

## EXHIBIT 92

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL \*  
5 PRESCRIPTION \* MDL No. 2804  
6 OPIATE LITIGATION \* Case No.  
7 \_\_\_\_\_ \* 1:17-MD-2804  
8 THIS DOCUMENT RELATES \* Hon. Dan A.  
9 TO ALL CASES \* Polster

10

11 THURSDAY, JANUARY 10, 2019

12

13 HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER

14 CONFIDENTIALITY REVIEW

15 - - -

16 Videotaped deposition of JACK CROWLEY,  
17 held at the JW Marriott Atlanta,  
18 3300 Lenox Road NE, Atlanta, Georgia,  
19 commencing at 9:22 a.m., on the  
20 above date, before Lois A. Robinson,  
21 Registered Diplomate Reporter and Certified  
22 Realtime Reporter.

23

24

25

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1       There may be some other lawyers that  
2 will ask questions of you as well. Is that okay?  
3 A       That's fine. Thank you.  
4 Q       Is there any reason that you can't give  
5 truthful testimony today?  
6 A       No reason.  
7 Q       Great.  
8       You have with you a lawyer,  
9 Mr. Goldman?  
10 A       Yes, I do.  
11 Q       And is he representing you today?  
12 A       He is.  
13 Q       Okay. And are you paying for him?  
14 A       Not personally.  
15 Q       Okay. Who's paying for him?  
16 A       The company, Purdue Pharma.  
17 Q       Okay. And do you have any other  
18 lawyers that are representing you here in the  
19 room today?  
20 A       No.  
21 Q       When did you retain -- or do you know  
22 when Purdue retained Mr. Goldman to represent  
23 you?  
24 MR. GOLDMAN:  
25       Objection.

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1       The question is when.  
2 A       Could you clarify?  
3 MS. CONROY:  
4 Q       I'm just looking -- did -- did you --  
5       When did you first learn that  
6 Mr. Goldman was going to be representing you  
7 today? And just -- I don't want any --  
8 A       In December. December sometime.  
9 Q       Okay. When did you first learn that  
10 you would be deposed in this case?  
11 A       About that time. Wasn't -- the exact  
12 date had not been set, but...  
13 Q       And how did you learn?  
14 A       Telephone -- telephone call, you know,  
15 following email.  
16 Q       Okay. Has your deposition -- have you  
17 had your deposition taken before in the past?  
18 Not about -- not in this case. In any case have  
19 you had your deposition taken?  
20 A       I have.  
21 Q       Okay. How many times?  
22 A       As a government official, probably  
23 several. And I had a deposition taken as a -- my  
24 position with Purdue Pharma 2004, I believe. I  
25 don't -- I don't remember the details.

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1 Q       Okay. So from 2004 until today, you  
2 have not had your deposition taken in any matter  
3 at all?  
4 A       My understanding of the term  
5 "deposition," I would say no, I have not.  
6 Q       What's your understanding of the  
7 deposition?  
8 A       It -- as opposed to investigative  
9 testimony type of a witness.  
10 Q       Have you given investigative testimony  
11 since 2004?  
12 A       Yes.  
13 Q       Okay. And on how many occasions?  
14 A       Twice.  
15 Q       And what would the -- what was the  
16 subject of those investigations?  
17 MR. GOLDMAN:  
18       Objection.  
19       And to the extent that the question  
20 calls for a conversation between you and counsel  
21 about the subject investigation, I'm gonna  
22 instruct you not to answer that question.  
23 MS. CONROY:  
24 Q       What -- Mr. Crowley, what I'm asking  
25 you about is your understanding of why you were

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1 deposed or why you gave --  
2       This was sworn testimony, correct,  
3 these two instances? You were under oath?  
4 A       I'm not trying to be evasive. I don't  
5 remember --  
6 Q       Okay.  
7 A       -- if I was or not.  
8 Q       They were -- they were discrete events,  
9 those whatever -- these two times that you spoke  
10 with respect to an investigative action?  
11 MR. GOLDMAN:  
12       Objection.  
13       Go ahead.  
14 A       Government agencies.  
15 MS. CONROY:  
16 Q       So someone from a government agency was  
17 asking the questions?  
18 A       Yes.  
19 Q       Was it a lawyer? Do you know?  
20 A       Yes.  
21 Q       And what was the subject matter of each  
22 of those occasions when a government agent was  
23 asking you questions?  
24 MR. GOLDMAN:  
25       Objection.

<p style="text-align: right;">Page 14</p> <p>1 Go ahead.</p> <p>2 A Potential litigation against Purdue</p> <p>3 Pharma.</p> <p>4 MS. CONROY:</p> <p>5 Q Do you know if litigation ever occurred</p> <p>6 against Purdue Pharma?</p> <p>7 A I don't.</p> <p>8 Q Were you represented by anyone when you</p> <p>9 were questioned in those investigations?</p> <p>10 A Yes.</p> <p>11 Q And who represented you?</p> <p>12 A At one time, Mr. Goldman. And the</p> <p>13 other time, one of his associates. I can't</p> <p>14 remember her name at the moment.</p> <p>15 Q Did the -- was the subject matter</p> <p>16 opioids?</p> <p>17 A Yes.</p> <p>18 Q And your -- you were -- you don't know</p> <p>19 if those were depositions; is that correct?</p> <p>20 A Uh, one of them may have been, and the</p> <p>21 other was categorized a different way.</p> <p>22 Q Okay. Do you recall how it was</p> <p>23 categorized?</p> <p>24 MR. GOLDMAN:</p> <p>25 And to the extent that the question</p>	<p style="text-align: right;">Page 16</p> <p>1 that?</p> <p>2 A No. To my recollection, no.</p> <p>3 Q And when do you think that occurred?</p> <p>4 A I think that was also around the -- I</p> <p>5 think it was 2017.</p> <p>6 Q Okay.</p> <p>7 A Probably in June. I -- I really don't</p> <p>8 remember the exact date. I'm sorry.</p> <p>9 Q Few of us do. I'm not gonna -- I'm</p> <p>10 just trying to get a feel.</p> <p>11 So the -- the one that you characterize</p> <p>12 as a deposition was not too long ago, and it came</p> <p>13 before the one that you don't characterize as a</p> <p>14 deposition?</p> <p>15 A That's correct.</p> <p>16 Q Okay. And what government agency was</p> <p>17 asking questions at the deposition, if you</p> <p>18 recall?</p> <p>19 A State of New Hampshire, Attorney</p> <p>20 General's Office.</p> <p>21 Q And the second one, who was asking the</p> <p>22 questions? What agency or government entity?</p> <p>23 A U. S. Attorney's Office, District of</p> <p>24 Connecticut.</p> <p>25 Q Have you ever seen the -- the actual</p>
<p style="text-align: right;">Page 15</p> <p>1 calls for and the answer calls for communications</p> <p>2 that you had with counsel, I'm gonna direct you</p> <p>3 not to answer the question. So if your knowledge</p> <p>4 of how it's categorized only comes from</p> <p>5 conversations that you and I had or you had with</p> <p>6 other people in my firm, then you should not</p> <p>7 answer the question.</p> <p>8 Can you answer the question without</p> <p>9 drawing upon conversation you had with me or</p> <p>10 someone else in my firm?</p> <p>11 THE WITNESS:</p> <p>12 I cannot.</p> <p>13 MR. GOLDMAN:</p> <p>14 Okay.</p> <p>15 MS. CONROY:</p> <p>16 Q Okay. When was the one that you</p> <p>17 characterize as a deposition? It was sometime</p> <p>18 after 2004; correct?</p> <p>19 A I believe it was in June of two -- June</p> <p>20 2016, I think.</p> <p>21 Q Okay. Was there a court reporter</p> <p>22 present or a tape recording of it? Do you know?</p> <p>23 A Recording, audio.</p> <p>24 Q And the other instance, was there a</p> <p>25 court reporter or an -- or an audio recording of</p>	<p style="text-align: right;">Page 17</p> <p>1 printout of the deposition from the one in 2016?</p> <p>2 A No.</p> <p>3 MR. GOLDMAN:</p> <p>4 Objection.</p> <p>5 Go ahead.</p> <p>6 A No, I have not.</p> <p>7 MS. CONROY:</p> <p>8 Q Okay. And there was, as far as you</p> <p>9 understand, there was -- there was no record of</p> <p>10 what you had to say in the June 2017 or</p> <p>11 thereabouts questions from the U. S. Attorney's</p> <p>12 Office in Connecticut?</p> <p>13 MR. GOLDMAN:</p> <p>14 Objection.</p> <p>15 Go ahead.</p> <p>16 A No record except for maybe some of</p> <p>17 their personal notes.</p> <p>18 MS. CONROY:</p> <p>19 Q Okay. Do you have any notes or</p> <p>20 documents from either of those two instances?</p> <p>21 A No.</p> <p>22 Q You talked about a deposition in 2004</p> <p>23 when -- concerning Purdue. Is that correct?</p> <p>24 A Yes.</p> <p>25 Q And what was -- what was the subject</p>

<p style="text-align: right;">Page 18</p> <p>1 matter of that deposition?</p> <p>2 A My recollection is it had more to do</p> <p>3 with marketing of...</p> <p>4 Q Marketing of opioids?</p> <p>5 A Yes.</p> <p>6 Q And you were employed by Purdue at that</p> <p>7 time?</p> <p>8 A Yes.</p> <p>9 Q And do you recall who took that</p> <p>10 deposition or whether there was a lawsuit with</p> <p>11 respect to that deposition or any other -- any</p> <p>12 other details about it?</p> <p>13 A No, not really.</p> <p>14 Q Where did it take place? Do you</p> <p>15 remember that?</p> <p>16 A I think it took place right at Purdue</p> <p>17 headquarters, at the home office, I think.</p> <p>18 Q In Stamford?</p> <p>19 A Yes.</p> <p>20 Q Where did the June 2016 deposition take</p> <p>21 place?</p> <p>22 MR. GOLDMAN:</p> <p>23 Objection.</p> <p>24 Go ahead.</p> <p>25 A Concord, New Hampshire.</p>	<p style="text-align: right;">Page 20</p> <p>1 A Yes.</p> <p>2 Q On how many occasions?</p> <p>3 A Civil or criminal or --</p> <p>4 Q Doesn't -- doesn't matter.</p> <p>5 A Probably twenty.</p> <p>6 Q Okay. And how would you break down</p> <p>7 between civil and criminal of the twenty?</p> <p>8 A I would say all but two would have been</p> <p>9 on the criminal side.</p> <p>10 Q And what were the two civil cases?</p> <p>11 A I don't remember. I might as we go</p> <p>12 along, but I don't remember.</p> <p>13 Q Okay.</p> <p>14 A Yeah.</p> <p>15 Q Did they -- they involve something with</p> <p>16 respect to your responsibilities as a DEA agent?</p> <p>17 A Yes.</p> <p>18 Q And were they in a courtroom?</p> <p>19 A Yes.</p> <p>20 Q And is that the -- is that true of the</p> <p>21 times that you testified at criminal trials?</p> <p>22 They were as a result of your responsibilities as</p> <p>23 a DEA agent?</p> <p>24 A That's correct.</p> <p>25 Q Have you --</p>
<p style="text-align: right;">Page 19</p> <p>1 MS. CONROY:</p> <p>2 Q And where did the U. S. Attorney's</p> <p>3 Office in Connecticut, where did they talk to</p> <p>4 you?</p> <p>5 A That was by tele- -- teleconference, I</p> <p>6 would call it. They were in their office in</p> <p>7 New Haven, Connecticut, and I was here at -- in</p> <p>8 Atlanta at a hotel.</p> <p>9 Q And that was -- that was not a</p> <p>10 face-to-face? That was over a telephone?</p> <p>11 A Video conference.</p> <p>12 Q I see.</p> <p>13 A Video conference.</p> <p>14 Q Okay.</p> <p>15 A Yeah.</p> <p>16 Q And then you've had several depositions</p> <p>17 while you were a DEA agent? Is that correct?</p> <p>18 MR. GOLDMAN:</p> <p>19 That's a "yes" or "no."</p> <p>20 A Yes.</p> <p>21 MS. CONROY:</p> <p>22 Q And where would you put that? Ten to</p> <p>23 twenty? Five to ten?</p> <p>24 A Less than five.</p> <p>25 Q Have you ever testified at a trial?</p>	<p style="text-align: right;">Page 21</p> <p>1 Take a look at Exhibit 1, which is your</p> <p>2 Notice of Deposition.</p> <p>3 (CROWLEY EXHIBIT NUMBER 1</p> <p>4 WAS MARKED FOR IDENTIFICATION.)</p> <p>5 MS. CONROY:</p> <p>6 Q Have you seen this document before?</p> <p>7 A I believe this is the same document</p> <p>8 that I saw a PDF copy. Yeah.</p> <p>9 Q You're here, so at least you heard</p> <p>10 about it somehow; right?</p> <p>11 A Yeah.</p> <p>12 Q All right. You see the second</p> <p>13 paragraph? It says, "Pursuant to the Federal</p> <p>14 Rules, the deponent should produce all documents</p> <p>15 which deponent has consulted or reviewed or plans</p> <p>16 to consult in preparation for his deposition and</p> <p>17 has relied upon or will rely upon for testimony</p> <p>18 in this matter."</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q And number 2, "Copies of all curriculum</p> <p>22 vitae used or prepared by the deponent in the</p> <p>23 preceding five years."</p> <p>24 And, then, 3 we'll talk about in a</p> <p>25 minute. That's a much larger set.</p>



<p style="text-align: right;">Page 22</p> <p>1 But I do have what we've marked as  2 Exhibits 3 and 4 that counsel for Purdue gave to  3 us today.  4 (CROWLEY EXHIBITS 3 AND 4 WERE  5 MARKED FOR IDENTIFICATION.)  6 MS. CONROY:  7 Q Exhibit 3 looks like some sort of  8 biographical information about you. Is that  9 correct?  10 A Yes.  11 Q Okay. And who prepared this?  12 A I did.  13 Q Okay. And when did you prepare it?  14 A Well, I have to go by the date, which  15 says July 2018.  16 Q Okay. Were you asked to prepare it or  17 is this something that you typically do; you kind  18 of keep your CV up to date?  19 A I am asked to do this on occasion when  20 I'm about to get a project. But...  21 Q And this is your most up-to-date bio?  22 A Yes. I think so.  23 Q Do you have a -- a CV that's longer  24 than this or that is set up any differently than  25 this?</p>	<p style="text-align: right;">Page 24</p> <p>1 A Just to help me understand what the DEA  2 was asking for on those two letters.  3 Q And why were you doing that in 2012?  4 Why did you want to help -- why did you want that  5 understanding?  6 A Whatever I have done in the course of  7 my duties would be to be at the highest level of  8 compliance with DEA policies -- well, law,  9 regulations, policies, procedure. So just to  10 keep myself up to date.  11 Q Okay. These are excerpts from letters  12 in 2006 and 2007. So what, in 2012, when you  13 created this document, had you select excerpts  14 from these two letters to keep up with regulatory  15 and other --  16 A The two letters are the basic  17 documents. Sometimes you would learn an emerging  18 interpretation from a conversation with a DEA  19 agent, investigator, or at a conference or at  20 some other kind of a meeting.  21 Q And, so, you have the two excerpts from  22 the letters, Roman Numeral IV and Roman Numeral  23 V. Do you see that?  24 A Yes.  25 Q Is there a Roman Numeral I through III</p>
<p style="text-align: right;">Page 23</p> <p>1 A I have prepared one in the past, yeah.  2 Q Okay. And how old is that one?  3 A Within the same time frame, within the  4 last three to six months.  5 Q Is there a reason why you didn't  6 provide that one?  7 A I -- no. No reason. Thought this  8 would be sufficient.  9 Q Okay. And, then, Exhibit 4 is  10 double-sided document. Does it look familiar to  11 you?  12 A Yes.  13 Q And what is it?  14 A Some excerpt notes that I had prepared  15 at some point concerning two DEA letters.  16 Q And when, approximately, would you have  17 prepared them, would you have prepared these  18 notes?  19 A Well, sometime before 2012. Well,  20 that's my --  21 Q You're guessing that because of Roman  22 Numeral VI?  23 A Yes.  24 Q Okay. And what was the purpose for  25 preparing this document?</p>	<p style="text-align: right;">Page 25</p> <p>1 anywhere?  2 A I don't know. Probably is. I don't  3 know. Yeah.  4 Q Okay. Do you know where this -- where  5 this came from?  6 A My personal file.  7 Q And when you say your personal file,  8 personal file as in a file folder at home or an  9 electronic file or --  10 A Electronic file.  11 Q So from your computer?  12 A Yes.  13 Q And did -- did you print this out  14 yourself?  15 A No.  16 Q Okay. Who did that?  17 A Mr. Goldman, I think, or --  18 MR. GOLDMAN:  19 That's fine.  20 A Right.  21 MR. GOLDMAN:  22 Counsel.  23 MS. CONROY:  24 Counsel.  25 A Counsel.</p>



<p style="text-align: right;">Page 26</p> <p>1 Q One of your counsel.          2 And do they have access to your          3 computer at home?          4 A Not readily.          5 Q How were they able to -- how were they          6 able to get this document to print it out?          7 A I -- I mentioned it, and they asked me          8 for a copy.          9 Q Okay. So you -- so you sent it to your          10 counsel?          11 A That's correct.          12 Q Okay. Did they inquire about any other          13 documents that were on your computer, whether          14 there was any earlier portion of this document?          15 A No.          16 MR. GOLDMAN:          17 Direct you not to answer that question.          18 Counsel, that question clearly calls          19 for attorney-client communication.          20 MS. CONROY:          21 I actually don't agree.          22 Q So you were asked to produce anything          23 what? That had to do with opioids or the subject          24 of this deposition?          25 MR. GOLDMAN:</p>	<p style="text-align: right;">Page 28</p> <p>1 MR. GOLDMAN:          2 Jack, if the answer to the question          3 calls for -- if your understanding of why she's          4 been given the document comes from a conversation          5 that you and I have had, then you should not          6 answer the question.          7 THE WITNESS:          8 Okay. I will not answer on advice of          9 my counsel.          10 MS. CONROY:          11 Q Okay. Is it fair to say this is not          12 the only document kept electronically on your          13 computer with respect to opioids or anything to          14 do with Purdue or opioids?          15 MR. GOLDMAN:          16 Object to form.          17 A I don't think that's fair. No.          18 MS. CONROY:          19 Q I don't understand your answer. In --          20 you have -- in your -- this comes from your home          21 computer files; correct?          22 A Correct.          23 Q Exhibit 4.          24 A (Nods affirmatively.)          25 Q Is it fair to say that you have other</p>
<p style="text-align: right;">Page 27</p> <p>1 Counsel, to the extent --          2 Sorry.          3 Jack, to the extent that you're -- any          4 response to the question comes from conversation          5 with counsel, you should not answer the question.          6 A I will take that counsel.          7 MS. CONROY:          8 Q Okay.          9 A Yeah.          10 Q Let me ask you this way. After you          11 received the PDF of the deposition notice, did          12 you take a look at your home files, including          13 your electronic files on your computer, to          14 determine if you had any documents responsive to          15 the notice?          16 A I did not.          17 Q So when you provided Exhibit 4 to          18 counsel and then it was given to me, that was not          19 as a result of the deposition notice?          20 MR. GOLDMAN:          21 Objection.          22 A I don't believe it was.          23 MS. CONROY:          24 Q Do you know why I've been given this          25 document?</p>	<p style="text-align: right;">Page 29</p> <p>1 opioid --          2 Would you consider this an          3 opioid-related document?          4 A Not necessarily, no.          5 Q Okay. Well, how would you characterize          6 what this is?          7 A It's a document, an extraregulatory          8 communication in the form of a letter --          9 actually, two letters -- written by a person at          10 Drug Enforcement Administration offering, shall I          11 say, guidance on the suspicious order monitoring          12 regulation.          13 Q And that's Sections 4 and 5, right,          14 what you just -- what you just told me about?          15 A That's correct, yes.          16 Q Okay. Let's take a look at Roman          17 Numeral VI, Emerging Interpretation, 2008 to 2012          18 and present. Do you see that?          19 A Yes.          20 Q Did you type those words?          21 A Yes.          22 Q Okay. And then there are bullet points          23 underneath it. First one says, "It's not DEA's          24 intent to negatively impact those pharmacies          25 filling prescriptions for legitimate medical</p>

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1 purposes."  
 2 Do you see that?  
 3 A I do.  
 4 Q Okay. What kind of prescription --  
 5 Strike that.  
 6 Are these your words, your  
 7 interpretation?  
 8 A No.  
 9 Q Who's at -- who's -- where does this  
 10 bullet point come from?  
 11 A If it did not come from either of those  
 12 letters, it would have come from a -- some other  
 13 communication from a DEA official.  
 14 Q So this is a quote from a DEA  
 15 official's letter, that bullet point?  
 16 MR. GOLDMAN:  
 17 Objection.  
 18 Go ahead.  
 19 A I don't think it's a quote because I  
 20 would have included that in quotation marks.  
 21 MS. CONROY:  
 22 Q Is that your opinion?  
 23 MR. GOLDMAN:  
 24 Objection.  
 25 Go ahead.

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1 A No. That was my understanding of what  
 2 was communicated.  
 3 MS. CONROY:  
 4 Q To you by someone at the DEA?  
 5 A Yes.  
 6 Q And who was that?  
 7 A I don't recall.  
 8 Q When would it -- when would you have  
 9 received that understanding from someone at the  
 10 DEA?  
 11 A I could only give you an estimate, and  
 12 that's sometime after 2008.  
 13 Q Okay. And it's -- it's your memory  
 14 that there was someone at the DEA that told you  
 15 that the DEA has no intention to negatively  
 16 impact pharmacies filling prescriptions for  
 17 legitimate medical purposes?  
 18 A Yes. It could have been communicated  
 19 to me or to a group that I was part of.  
 20 Q And what kind of prescriptions  
 21 are -- what kind of prescriptions are the subject  
 22 of that intention?  
 23 A Prescriptions for controlled  
 24 substances.  
 25 Q And that would include OxyContin?

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1 A It would include narcotics, any central  
 2 nervous system controlled substance. So  
 3 narcotics, depressants, tranquilizers,  
 4 amphetamines.  
 5 Q Okay. Would it include OxyContin?  
 6 A Yes. OxyContin is a Schedule II  
 7 controlled substance.  
 8 Q Would it include Duragesic?  
 9 A Yes.  
 10 Q And was there some discussion of what a  
 11 legitimate medical purpose was when you had this  
 12 conversation with the DEA agent or heard this at  
 13 some group meeting?  
 14 A I don't recall and I don't believe so.  
 15 Q Do you have an understanding of what  
 16 that means?  
 17 A It's a very difficult concept, but  
 18 I -- I think I do.  
 19 Q Okay. Can you -- can you tell me what  
 20 your understanding is?  
 21 A Well, for a prescription to be  
 22 legitimate, it must be issued in the usual course  
 23 of professional practice for a legitimate medical  
 24 reason. The legitimate medical reason is arrived  
 25 at after a conversation with the patient, a

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1 diagnosis is -- is reached, and part of  
 2 the -- part of the therapy would be that the  
 3 prescription may be appropriate.  
 4 Q Has that been your understanding of the  
 5 definition of legitimate medical purposes for  
 6 years? Is that fair to say?  
 7 MR. HOFFMAN:  
 8 Object to the form.  
 9 MR. GOLDMAN:  
 10 Yeah. Before you answer that  
 11 question --  
 12 Counsel, I think, to avoid any Touhy  
 13 problems, I think if you could define as far as  
 14 his understanding --  
 15 MS. CONROY:  
 16 That's fine.  
 17 Q After -- well, after you were a DEA  
 18 agent.  
 19 A Yes. Right.  
 20 Q So that would be starting --  
 21 When did you begin -- when did you  
 22 leave the DEA?  
 23 A 2001.  
 24 Q Okay.  
 25 A Officially, September of 2001.

<p style="text-align: right;">Page 34</p> <p>1 Q The next bullet point, "Prevent  2 Diversion - onus squarely on the registrant."  3 Do you see that?  4 A Yes.  5 Q And is this a quote from somewhere? Is  6 this your opinion? What is this?  7 A It's not my opinion. That would have  8 been a quote from a comment made by a DEA  9 official at one of their conferences or some  10 other meeting attended by representatives of  11 industry who heard it and then shared it.  12 Q And when you drafted this document,  13 were you writing that from memory or did you have  14 other documents you were referring to? How  15 did -- how'd you do it?  16 A I really don't remember. I would say  17 from memory.  18 Q Do you have other documents on your  19 computer with respect to notes or materials from  20 conferences that you attended or conversations  21 you've had with DEA agents?  22 A I don't believe so.  23 Q But this is not the only document on  24 your computer; correct?  25 MR. GOLDMAN:</p>	<p style="text-align: right;">Page 36</p> <p>1 prescription drugs.  2 MR. HOFFMAN:  3 Object to the form.  4 A Would contribute to my understanding of  5 prescription controlled substances and compliance  6 thereof, yes.  7 MS. CONROY:  8 Q And that would include -- that would  9 include the compliance issues surrounding  10 controlled substances?  11 A Yes.  12 Q The -- if you turn the page on Exhibit  13 4, there's seven more bullet points. Do you see  14 this?  15 A Excuse me.  16 I do.  17 Q Okay. The next one is "Can a  18 prospective customer be trusted."  19 Do you see that?  20 A Yes.  21 Q Is that a quotation from something?  22 A It would have been in a -- a  23 communication from a DEA official at a  24 conference.  25 Q And when you sat at your computer and</p>
<p style="text-align: right;">Page 35</p> <p>1 Object to the form.  2 A The only document on my computer?  3 MS. CONROY:  4 Q Correct. This is not the only document  5 on your computer; correct?  6 A That's correct.  7 Q And do you have other documents and  8 materials on your computer that relate in any way  9 to prescription drugs?  10 A That's a broad question, so I would say  11 I have documents that relate to compliance issues  12 that I've kept over the years so I can be  13 current.  14 Q And when you're being asked questions  15 today, some of those documents have informed your  16 experience and understanding of this area?  17 MR. HOFFMAN:  18 Object to form.  19 A I didn't review any of them in  20 preparation for today.  21 MS. CONROY:  22 Q Okay. That's not what I asked you.  23 A Okay.  24 Q I asked you whether they contributed to  25 your experience and understanding in the area of</p>	<p style="text-align: right;">Page 37</p> <p>1 typed up this page, were you just recalling what  2 you had heard at conferences or were you  3 referring to anything?  4 A Well, I may have been referring to  5 emails or something like that. I'm sure I was  6 referring to something.  7 Q Would it have been something on your  8 computer, that you had access to on your  9 computer?  10 A At the time I wrote it, yes.  11 Q Have you ever provided this document to  12 anyone other than your counsel for this  13 deposition today?  14 A Yes.  15 Q And who was that?  16 A I belong to and actually was one of the  17 creators of an industry group, an informal  18 working group -- we call it the New Jersey  19 Pharmaceutical Industry Group -- manufacturers  20 and distributors from the state of New Jersey and  21 contiguous states and informal meetings that we  22 had several times a year. So my recollection  23 would have been anyone who attended a certain  24 meeting would have gotten that document.  25 Q When you say "that document," you mean</p>

<p style="text-align: right;">Page 38</p> <p>1 Exhibit 4?</p> <p>2 A Yes.</p> <p>3 Q Okay. And do you still attend such</p> <p>4 meetings?</p> <p>5 A I do not. No.</p> <p>6 Q Is the working group still in effect?</p> <p>7 A Yes.</p> <p>8 Q Why do you no longer attend?</p> <p>9 A I -- I'm a consultant now, or I'm not</p> <p>10 viewed as an employee of a manufacturing company,</p> <p>11 so I'm not allowed to.</p> <p>12 Q Okay. So that working group, at least,</p> <p>13 is restricted to just current employees of</p> <p>14 manufacturers or distributors?</p> <p>15 A Yes. Or whoever they invite to the</p> <p>16 meeting.</p> <p>17 Q Okay. And you -- you were instrumental</p> <p>18 in the creation of that group?</p> <p>19 A Yes.</p> <p>20 Q And approximately when was that?</p> <p>21 A Probably 2008, after these letters came</p> <p>22 out.</p> <p>23 Q Okay. And when -- did you stop</p> <p>24 attending when you left Purdue or sometime later?</p> <p>25 A When I left Purdue, yes.</p>	<p style="text-align: right;">Page 40</p> <p>1 Who were the -- who were the folks that</p> <p>2 you kind of kept up, Christmas card, occasional</p> <p>3 emails, whatever?</p> <p>4 A I might have trouble spelling his name.</p> <p>5 Mike Magliaro.</p> <p>6 Q And what companies was or is he</p> <p>7 involved with?</p> <p>8 A Well, he's changed jobs recently, so I</p> <p>9 don't know.</p> <p>10 Q And when you were -- when you were in</p> <p>11 the working group, who did he work for?</p> <p>12 A Halo, H-A-L-O.</p> <p>13 Q And what is Halo?</p> <p>14 A That's been acquired also, but it's a</p> <p>15 manufacturing company. It was Avid before that,</p> <p>16 Halo, and now it's -- I don't know. I can't</p> <p>17 remember.</p> <p>18 Q Okay. Anyone other than Mike?</p> <p>19 A Michelle Dempsey.</p> <p>20 Q And she's from Janssen?</p> <p>21 A Yes. Noramco at the time.</p> <p>22 Q Have you had any conversations with</p> <p>23 Michelle Dempsey recently?</p> <p>24 A No.</p> <p>25 Q Anybody else?</p>
<p style="text-align: right;">Page 39</p> <p>1 Q And have you on any occasion been</p> <p>2 invited back after you left Purdue --</p> <p>3 A No.</p> <p>4 Q -- to any meetings?</p> <p>5 A No.</p> <p>6 Q If I had the files of the -- the</p> <p>7 New Jersey working group, would I potentially</p> <p>8 find Exhibit 4 in those files?</p> <p>9 MR. HOFFMAN:</p> <p>10 Object to form. Calls for speculation.</p> <p>11 A There were no official files.</p> <p>12 MS. CONROY:</p> <p>13 Q So nobody -- there was no -- was there</p> <p>14 a -- was there any official office for that</p> <p>15 organization?</p> <p>16 A No.</p> <p>17 Q Do you keep in touch with any of the</p> <p>18 members from that working group?</p> <p>19 A On occasion, yes.</p> <p>20 Q Who do you -- who do you keep in touch</p> <p>21 with?</p> <p>22 A Definition of "in touch"? Just,</p> <p>23 you know, from time to time, once a year, or</p> <p>24 something like that?</p> <p>25 Q Yeah, sure.</p>	<p style="text-align: right;">Page 41</p> <p>1 A No. Not really, no, that I can think</p> <p>2 of.</p> <p>3 Q Okay. Now that we've been talking</p> <p>4 about Exhibit 4 a little bit more, does it</p> <p>5 refresh your memory at all whether or not there</p> <p>6 was a Roman Numeral I, II, and III to this</p> <p>7 document?</p> <p>8 A I'm sure there was.</p> <p>9 Q But you, at least for the purposes of</p> <p>10 this deposition, you couldn't find it?</p> <p>11 A It wasn't part of that -- that</p> <p>12 document. I don't -- I no longer have it,</p> <p>13 whatever it was. Correct.</p> <p>14 Q Okay. So whatever -- whatever's on</p> <p>15 your computer today is, as best as you can tell,</p> <p>16 is just this -- the two pages here?</p> <p>17 A That's right.</p> <p>18 (CROWLEY EXHIBIT NUMBER 2</p> <p>19 WAS MARKED FOR IDENTIFICATION.)</p> <p>20 MS. CONROY:</p> <p>21 Q Let's take a look at Exhibit 2, which</p> <p>22 is a LinkedIn. It's a little hard to read on</p> <p>23 this. If you turn the page, it says that you</p> <p>24 are, from January 2013 to present, you are the</p> <p>25 president of Crowley Associates, LLC. See that?</p>

<p style="text-align: right;">Page 42</p> <p>1 A Oh. Right at the top.</p> <p>2 Q At the very --</p> <p>3 A Yes.</p> <p>4 Q Okay. And is that true through today?</p> <p>5 A Yes.</p> <p>6 Q And did you form that Crowley</p> <p>7 Associates upon leaving Purdue Pharma?</p> <p>8 You can see just down a couple of steps</p> <p>9 you were Executive Director, Purdue Pharma, from</p> <p>10 January 2003 to December 2012. Do you see that?</p> <p>11 A Yes.</p> <p>12 Q Okay. So did you form Crowley</p> <p>13 Associates --</p> <p>14 You left -- you left in December --</p> <p>15 December of 2012. You formed Crowley Associates</p> <p>16 right away in January?</p> <p>17 A Well, actually formed it in 2001. So I</p> <p>18 re-formed it, I should say.</p> <p>19 Q Okay.</p> <p>20 A Yeah.</p> <p>21 Q Okay. And, so, when you were -- if you</p> <p>22 look just above the Purdue Pharma listing, when</p> <p>23 you were Vice President, DEA Regulatory</p> <p>24 Compliance at Gates Healthcare Associates, Inc.,</p> <p>25 that ran concurrently with Crowley Associates?</p>	<p style="text-align: right;">Page 44</p> <p>1 Q And did -- did anything with respect to</p> <p>2 the Rannazzisi letters involve -- did that have</p> <p>3 any relevance to Gates Healthcare?</p> <p>4 A No.</p> <p>5 Q Did Gates Healthcare -- was Gates</p> <p>6 Healthcare involved in any controlled substances?</p> <p>7 Do you know?</p> <p>8 A As far as handling controlled</p> <p>9 substances --</p> <p>10 Q Correct.</p> <p>11 A -- no. No.</p> <p>12 Q So you were not -- you were not</p> <p>13 advising him with respect to anything with</p> <p>14 controlled substances? Is that fair?</p> <p>15 A That's fair, yes.</p> <p>16 Q Then -- do you have clients at Crowley</p> <p>17 Associates currently?</p> <p>18 A I -- I take projects on referral, so</p> <p>19 I've done work for several recently. But I have</p> <p>20 one client in Atlanta here, AttainMed, M-E-D,</p> <p>21 AttainMed, small wholesale company.</p> <p>22 Q Do they deal in controlled substances?</p> <p>23 A Yes, among other things.</p> <p>24 Q And what are you doing for them?</p> <p>25 A I provide DEA advice. I'm hands-on</p>
<p style="text-align: right;">Page 43</p> <p>1 A Correct.</p> <p>2 Q Okay. And were you -- were you</p> <p>3 employed as a consultant by Gates Healthcare?</p> <p>4 A A 1099 employee, friend, helping</p> <p>5 him --</p> <p>6 Q Okay.</p> <p>7 A -- expand his business.</p> <p>8 Q Who was the "him"?</p> <p>9 A Ernest Gates.</p> <p>10 Q And what kind of business is Gates</p> <p>11 Healthcare?</p> <p>12 A Primarily regulatory compliance for</p> <p>13 retail pharmacies, compounding pharmacies.</p> <p>14 Q And what did you -- what did you help</p> <p>15 him with?</p> <p>16 A Expanding his business in the area of</p> <p>17 DEA compliance, perhaps offering services to</p> <p>18 hospitals, any other entity that might need help.</p> <p>19 Q Did you prepare anything in writing for</p> <p>20 Mr. Gates or for Gates Healthcare?</p> <p>21 A Work product, I think. Yes.</p> <p>22 Q Right.</p> <p>23 Did you write any reports or anything</p> <p>24 like that for him?</p> <p>25 A Yes.</p>	<p style="text-align: right;">Page 45</p> <p>1 compliance work, physical inventory, reporting,</p> <p>2 make sure they're the highest level of</p> <p>3 compliance --</p> <p>4 Q Okay.</p> <p>5 A -- yeah.</p> <p>6 Q And what other clients have you had</p> <p>7 since January of 2013?</p> <p>8 Or let me ask it this way, because --</p> <p>9 Has it been, you know, ten or so</p> <p>10 clients or --</p> <p>11 A Yeah.</p> <p>12 Q -- 50-plus clients?</p> <p>13 A Ten. Ten, probably.</p> <p>14 Q Ten?</p> <p>15 A Yeah.</p> <p>16 Q And who have the major clients been?</p> <p>17 A Noramco, Incorporated, Athens, Georgia.</p> <p>18 Q And what did you do for Noramco?</p> <p>19 A We performed an assessment.</p> <p>20 Q Assessment of what?</p> <p>21 A Scientific affairs and -- and the</p> <p>22 compliance function and internal interviews and</p> <p>23 best way to comply with Controlled Substances Act</p> <p>24 when you're talking about small quantities, and</p> <p>25 research, that type of thing, analysis.</p>



<p style="text-align: right;">Page 46</p> <p>1 Q Okay.</p> <p>2 A I was down in Puerto Rico for that</p> <p>3 company, different name. Janssen-Cilag,</p> <p>4 C-I-L-A-G.</p> <p>5 I've done assessments for Fresenius</p> <p>6 Kabi, K-A-B-I, in Grand Island, New York, which</p> <p>7 is Buffalo. They also have a manufacturing site</p> <p>8 in Wilson, North Carolina. That's a German</p> <p>9 company that has a U.S. presence now in the past</p> <p>10 ten years.</p> <p>11 Q What's the name of that company?</p> <p>12 A Fresenius Kabi.</p> <p>13 Q With a PH or an F? Fresenius?</p> <p>14 A Oh, Fresenius is F. Fresenius, R --</p> <p>15 F-R-E-S -- let's see -- E-N-I-U-S. Fresenius</p> <p>16 Kabi, K-A-B-I.</p> <p>17 Q And what do they manufacture or supply?</p> <p>18 A Schedule II injectable narcotics and</p> <p>19 also a Schedule IV Midazolam, I believe.</p> <p>20 Q And what did you do for them?</p> <p>21 A Assessment, you know, identify gaps,</p> <p>22 opportunities for improvement.</p> <p>23 Q Is Fresenius Kabi a manufacturer, a</p> <p>24 supplier or --</p> <p>25 A Manufacturer.</p>	<p style="text-align: right;">Page 48</p> <p>1 A Yes.</p> <p>2 MS. CONROY:</p> <p>3 Q What other -- what other companies have</p> <p>4 you consulted for?</p> <p>5 A I've been involved in Eaton Apothecary,</p> <p>6 that assessment. That's in Massachusetts.</p> <p>7 E-A-T-O-N Apothecary. I think they had, like, 13</p> <p>8 retail locations.</p> <p>9 Q Okay. And what did you -- what was the</p> <p>10 subject of your assessment there?</p> <p>11 A To make sure that they didn't have any</p> <p>12 DEA type issues in any of their locations.</p> <p>13 Q Did -- were you looking at both</p> <p>14 controlled substances and just their regular</p> <p>15 pharmaceutical line?</p> <p>16 A Controlled substances.</p> <p>17 Q And they're a retail pharmacy?</p> <p>18 A That's what they're categorized as.</p> <p>19 Some of their locations are what you'd call</p> <p>20 closed-door, almost.</p> <p>21 Q Okay.</p> <p>22 A So...</p> <p>23 Q What -- do you recall what controlled</p> <p>24 substance Janssen-Cilag manufactured in</p> <p>25 Puerto Rico?</p>
<p style="text-align: right;">Page 47</p> <p>1 Q And they have manufacturing facilities</p> <p>2 in -- in Grand Island, New York, as well as</p> <p>3 Wilson, North Carolina?</p> <p>4 A Yes.</p> <p>5 Q And the work for Janssen-Cilag, was</p> <p>6 that -- was Janssen-Cilag in Puerto Rico a</p> <p>7 manufacturer or supplier?</p> <p>8 A Manufacturer. I conducted a -- an</p> <p>9 unannounced audit of that location.</p> <p>10 Q Of that manufacturing location?</p> <p>11 A Yes.</p> <p>12 Q And that's -- that's basically what you</p> <p>13 did as a DEA agent; correct? You inspected and</p> <p>14 audited manufacturing locations?</p> <p>15 MR. GOLDMAN:</p> <p>16 I'm gonna --</p> <p>17 MS. CONROY:</p> <p>18 Just generally. I'm not --</p> <p>19 MR. GOLDMAN:</p> <p>20 Yeah. So object --</p> <p>21 MS. CONROY:</p> <p>22 Q I just want to ask just generally.</p> <p>23 That was your background?</p> <p>24 MR. GOLDMAN:</p> <p>25 Be mindful of that. No specifics.</p>	<p style="text-align: right;">Page 49</p> <p>1 A I should. Amphetamine.</p> <p>2 Q Can you recall any other substances?</p> <p>3 A That was the main, I think. I don't</p> <p>4 think they had any Schedule II narcotics there.</p> <p>5 I really don't remember at the moment. I'm</p> <p>6 sorry.</p> <p>7 Q That's fine.</p> <p>8 A Yeah.</p> <p>9 Q Did you do any consulting work for</p> <p>10 Purdue Pharma after you left as executive</p> <p>11 director?</p> <p>12 A I was retained for one year in case</p> <p>13 anyone had a question. I did not perform any</p> <p>14 work that would be in the category of an</p> <p>15 assessment or a project. Occasionally, I would</p> <p>16 answer questions.</p> <p>17 Q And that was the year right -- that was</p> <p>18 2013?</p> <p>19 A Yes.</p> <p>20 Q Have you -- are you being paid for your</p> <p>21 time today by Purdue Pharma?</p> <p>22 A No.</p> <p>23 Q Are you being paid for your time by</p> <p>24 anyone today?</p> <p>25 A No.</p>



<p style="text-align: right;">Page 50</p> <p>1 Q What does it mean -- if you go to the  2 first page of Exhibit 2 of your LinkedIn account,  3 it says, "Mr. Crowley has managed and conducted  4 domestic and international assessments and audits  5 of manufacturers, distributors, laboratories,  6 hospitals, clinics, retail pharmacies, and  7 medical and dental practices during his career,  8 including office-based opioid treatment (OBOT)."  9 Do you see that?  10 A Yes.  11 Q And you gave me, basically -- I know,  12 as a DEA investigator, just very generally, you  13 were in a lot of manufacturing facilities;  14 correct?  15 A Could you just repeat the end of that  16 question?  17 Q Sure.  18 A Sorry.  19 Q You're talking about -- a little bit  20 earlier you talked about a career of over 40  21 years, and it says here that you have managed and  22 conducted --  23 A Correct.  24 Q -- domestic and international  25 assessments and audits of manufacturers,</p>	<p style="text-align: right;">Page 52</p> <p>1 Yeah.  2 MS. CONROY:  3 Q I'm just -- while you were a DEA  4 agent --  5 A Yeah.  6 Q -- you certainly had assessment and  7 inspection and audit experience with respect to  8 manufacturers; right?  9 A I wouldn't use the word "assessment."  10 Q Okay. I'm actually -- so I'm going by  11 what it --  12 Let me -- let me start again.  13 A Right.  14 Q It says, "Mr. Crowley" --  15 A Right.  16 Q -- "has managed and conducted domestic  17 and international assessments and audits of  18 manufacturers."  19 Do you see that?  20 A Yes.  21 Q Would you have performed that or those  22 functions while you were a DEA agent?  23 A As I answered, I would not use the word  24 "assessments" --  25 Q Okay. What --</p>
<p style="text-align: right;">Page 51</p> <p>1 distributors, laboratories, hospitals, clinics,  2 retail pharmacies, and medical and dental  3 practices during your career; correct?  4 A Correct. Yeah.  5 Q And that career included your time at  6 the DEA; correct?  7 A Yes.  8 Q And, without getting into any details,  9 some of -- some of what you're talking about, the  10 assessments and audits of manufacturers and  11 distributors, that would have taken place while  12 you were a DEA agent?  13 A Yes.  14 Q Did you -- would it also include --  15 assessments and audits of laboratories,  16 hospitals, clinics, retail pharmacies, medical  17 and dental practices -- would all of those have  18 been done while you were a DEA agent?  19 A Not all of them.  20 Q Okay. Which ones -- which ones were  21 just after your time as a DEA agent?  22 A Well, just generally speaking --  23 MR. GOLDMAN:  24 Listen to the question.  25 THE WITNESS:</p>	<p style="text-align: right;">Page 53</p> <p>1 A -- while I was a DEA agent.  2 Q You did audits?  3 A Yes.  4 Q Would that be the correct way of  5 terming it?  6 A Yes.  7 Q Okay. And, then, after you left the  8 DEA, you would call it -- would you call it an  9 assessment?  10 A Yes.  11 Q Okay. And is that -- did you do audits  12 of distributors while you were a DEA agent?  13 A Yes.  14 Q And of laboratories?  15 A Yes.  16 Q Of hospitals?  17 A Investigations.  18 Q Okay. Clinics?  19 A Same. Investigations.  20 Q Retail pharmacies?  21 A The same. That would be  22 investigations.  23 Q Medical and dental practices?  24 A Same. Investigations.  25 Q Investigations. Okay.</p>

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1 Then when you became a consultant, you  
2 don't call it an audit anymore. You call it an  
3 assessment. Is that fair?  
4 A I did call the one in Puerto Rico an  
5 audit, but it was an assessment.  
6 Q But it was like a mock audit? Is  
7 that --  
8 A Yes.  
9 Q And have you, as a consultant, done  
10 assessments of all of these: Manufacturers,  
11 distributors, laboratories, hospitals, clinics,  
12 retail pharmacies, medical and dental practices?  
13 A I'm sorry. As a consultant?  
14 Q Yes.  
15 A Yes.  
16 Q Okay. Now, it says "including  
17 office-based opioid treatment," OBOT in  
18 parentheses. What's that?  
19 A That would be a practice that would  
20 treat patients for drug addiction.  
21 Q Okay. And when did you do that?  
22 A I did one here in Atlanta, Georgia,  
23 about two years ago.  
24 Q And could you describe for me what it  
25 is that you did?

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1 A I did a site visit to determine their  
2 qualifications to be a customer, to understand  
3 the practice, interview the medical doctor, make  
4 an assessment of the type of practice that they  
5 were conducting, perhaps get a estimate of the  
6 amount of patients they would treat, what they  
7 would be ordering, how often.  
8 Q And was this -- were you hired to do  
9 this?  
10 A Yes.  
11 Q And who hired you to do this?  
12 A AttainMed.  
13 Q And that's the small wholesaler?  
14 A Correct.  
15 Q And they're in the Atlanta area?  
16 A Yes.  
17 Q And were they looking to supply  
18 controlled substances to this opioid treatment  
19 center?  
20 A If appropriate, yes.  
21 Q What do you mean by "if appropriate"?  
22 A Based on the results of the  
23 application.  
24 Q Was the -- what's -- what's the name of  
25 the customer?

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1 A It's called The Spine Practice,  
2 but -- I'll tell you as soon as I think of it.  
3 Q That's fine.  
4 A Yeah. Yeah.  
5 Q They're -- they are not connected to  
6 Attain; correct?  
7 A They're not. Only -- only as a  
8 customer.  
9 Q Okay.  
10 A Yeah.  
11 Q And describe for me what Attain asked  
12 you to do with respect to this -- The Spine  
13 Practice.  
14 A We -- we just conduct due diligence --  
15 or, in this case, I did -- to determine if the  
16 practice was going to be, you know, limited, what  
17 size would the practice be, would it be helpful  
18 to the patients, you know.  
19 What they asked me to do was to verify  
20 the information that was contained on the  
21 application. Of course, all part of that is the  
22 license verification of the physician, of the  
23 pharmacy that they had on site; interview the  
24 president of the company, the medical director or  
25 the director of pharmacy; what types of

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1 substances they would be using in the opioid  
2 treatment, which is SUBOXONE; my impressions,  
3 based on my experience. What did the office look  
4 like? Is it a professional office space? All of  
5 those types of things.  
6 Q And did you write up a report for  
7 Attain?  
8 A I think I probably did an email report,  
9 yeah.  
10 Q Do you know if Attain did decide to do  
11 business and supply controlled substances  
12 to -- we'll call it spine practice, but --  
13 A They did.  
14 Q And what kind of a -- what kind of  
15 opioid treatment, other than the prescribing of  
16 sub- --  
17 A SUBOXONE.  
18 Q -- SUBOXONE, what were they providing?  
19 A That was only part of their practice,  
20 so the -- the medical director there is a  
21 qualified physician to offer that type of  
22 service. That's not her primary function. So,  
23 in addition to the SUBOXONE, which is  
24 buprenorphine, would be counseling and therapy,  
25 physical therapy probably.

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1 Q Are they also -- do they also prescribe  
2 controlled substances for pain as opposed to  
3 addiction treatment?  
4 A I don't think so.  
5 Q Do you know one way or the other?  
6 A I didn't --  
7 Based on their ordering, which I look  
8 at from time to time, I would say no.  
9 Q Okay. And what's the name of the  
10 doctor? Do you recall? It's a woman?  
11 A Yes.  
12 Q And she's -- is she the medical  
13 director that you went to interview?  
14 A Yes.  
15 Q And you also interviewed the pharmacist  
16 or whoever was in charge of the pharmacy?  
17 A I did.  
18 Q Did you create any type of suspicious  
19 order monitoring system for Attain or assess  
20 whatever they may have had in place?  
21 A We -- we do have suspicious --  
22 suspicious order monitoring, yes.  
23 Q And did you have anything to do with  
24 that -- the creation of suspicious order  
25 monitoring or did you assist them with what they

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1 may have already had in place?  
2 A It was created before I became involved  
3 with them.  
4 Q And was it any part of your  
5 responsibilities to over- -- to take a look at  
6 that program, the suspicious order monitoring  
7 program?  
8 A Yes.  
9 Q And have you written up any sort of  
10 report or email with respect to your assessment  
11 of their suspicious order monitoring practice?  
12 A I don't believe so.  
13 Q Did you find it -- did you find that it  
14 met your guidelines for suspicious order  
15 monitoring practice?  
16 A I did.  
17 Again, this is a small company, so it's  
18 fairly obvious and easy to do that.  
19 Q Who do they -- who distributes -- I  
20 mean, are they connected with a particular  
21 wholesaler?  
22 A They are a wholesaler.  
23 Q And are they connected with -- do  
24 they -- do they contract directly with  
25 manufacturers?

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1 A They do.  
2 Q And who do they -- and so they have  
3 SUBOXONE? They -- they purchase SUBOXONE?  
4 A They do.  
5 Q And who do they purchase it from?  
6 A I'm not sure if they got that from  
7 Mallinckrodt or -- or someone else.  
8 Q Do they have fee for service  
9 agreements -- do you know? -- with --  
10 A No.  
11 Well, please continue with the  
12 question.  
13 Q Okay.  
14 A Yeah.  
15 Q So let me -- they do not have fee for  
16 service agreements with any manufacturers that  
17 you're aware of?  
18 A None that I'm aware of.  
19 Q Do you know if they provide any data of  
20 their supply of any of their drugs to retail  
21 pharmacies to any manufacturer or other  
22 wholesaler?  
23 A I don't think so. Not to my knowledge.  
24 Q And when they purchase -- if it's from  
25 Mallinckrodt or some other drug manufacturer, is

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1 it just a one-time purchase or do they have an  
2 account set up with that purchase --  
3 Are they -- let me ask it this way. Do  
4 you know if they are an authorized distributor  
5 for any manufacturer?  
6 A I think they have a relationship with  
7 Mallinckrodt now, yeah, which would meet that  
8 definition.  
9 Q Okay. But your -- but they do not have  
10 a fee for service contract with Mallinckrodt?  
11 A I don't believe so.  
12 Q Okay. And -- and why do you believe  
13 they do not have that?  
14 A I think I would have been aware of it.  
15 That's all.  
16 Q Okay. You're familiar with the term  
17 "fee for service"?  
18 A Yes. Generally, yes.  
19 Q Okay. How would you describe for me  
20 your responsibilities during the 10 years you  
21 were with Purdue? If you could just give me an  
22 overview of why you went there, what you -- what  
23 your responsibilities were and how they changed  
24 up until the time you left. And I'm just looking  
25 for kind of a -- I know you could go on all day.

<p style="text-align: right;">Page 62</p> <p>1 But I'm just looking for a brief overview of what  2 your responsibilities were.  3 A So this was a good opportunity for me  4 to create a Controlled Substance Act or DEA, if  5 you want to say it that way, compliance program  6 from the ground floor.  7 So, initially, the focus was on the  8 manufacturing plant and all of the issues  9 involved there. So when I first joined Purdue, I  10 would say that I was able to create a realtime  11 one-voice sustainable compliance program which  12 was, shall I say, directed by -- by one person.  13 It happened to be me.  14 Where some companies and so forth have  15 compliance embedded in -- in operational people,  16 we made it a separate independent organization.  17 I was able to do that.  18 So it would be a reconciliation and  19 accountability-type things in manufacturing,  20 packaging, warehousing, distribution to the  21 authorized distributors, import/export, my advice  22 to nonclinical research and development.  23 I was involved in -- I became a  24 clearinghouse for -- throughout the company for  25 any compliance type of question that would be</p>	<p style="text-align: right;">Page 64</p> <p>1 A No formal department --  2 MR. GOLDMAN:  3 Objection.  4 Go ahead.  5 A Yeah.  6 MS. CONROY:  7 Q So you created a formal compliance  8 department for what --  9 What would you have called it? For the  10 manufacturing division of Purdue? Or how would  11 you term it?  12 A We called it the Controlled Substances  13 Act Compliance Organization or Department.  14 Q But, at that time, 2003, it was with  15 respect to the manufacturing arm of Purdue;  16 correct?  17 A Primarily.  18 Q Okay. So when did -- when did your --  19 Because I know, since I've read so much  20 about what you did at Purdue, it became a broader  21 responsibility for you; correct?  22 A I think it evolved to a broader, yes.  23 Yeah.  24 Q So it began to include more than just  25 manufacturing; correct?</p>
<p style="text-align: right;">Page 63</p> <p>1 DEA-related.  2 Q And just if I could stop you there --  3 A Yeah.  4 Q -- when you -- what you're talking  5 about right now is sort of the first type  6 position you held, which was to oversee  7 compliance at the manufacturing facilities for  8 Purdue?  9 A Right. That -- that continued the  10 whole time.  11 Q Okay. And those manufacturing  12 locations were located in North Carolina? Is  13 that correct?  14 A There's one in Wilson, North  15 Carolina --  16 Q Okay.  17 A -- totowa, New Jersey. Bulk  18 manufacturing was in Coventry, Rhode Island. At  19 the time I first joined, nonclinical research was  20 in Ardsley, New York. Subsequently moved to  21 Cranbury, New Jersey.  22 Q And prior to you getting to Purdue  23 and -- or starting at Purdue in 2003, there was  24 no compliance department for the -- for what  25 you're talking about for the manufacturing?</p>	<p style="text-align: right;">Page 65</p> <p>1 A As I say, I became a clearinghouse  2 for -- for, you know, interpreting regulations,  3 whether it be clinical trials, international  4 clinical trials, import/export issues. So there  5 were a lot of things as it evolved and people  6 became acquainted with me in my -- in our  7 department. And, of course, as a result of these  8 letters, it expanded a little bit.  9 Q Okay. And what you have pointed to is  10 a result of the Rannazzisi letters in 2006 and  11 2007. Would it be fair to say that your  12 clearinghouse expanded to the distribution of  13 controlled substances, not just the manufacture  14 of controlled substances?  15 MR. HOFFMAN:  16 Object to form.  17 A My duties and -- my -- duties. My  18 responsibilities in distribution had to do with  19 accountability from the manufacturing site to the  20 customer. Security matters were jointly  21 conducted with a separate department in Purdue,  22 corporate security. Each site had a director of  23 security. Compliance is really records reports  24 and security. We had a very strong security  25 presence as well.</p>

<p style="text-align: right;">Page 66</p> <p>1 So, in terms of distribution, my  2 responsibility was always there from day one.  3 MS. CONROY:  4 Q What about with respect to wholesalers,  5 the -- the purchase of controlled substances by  6 wholesalers from Purdue? At some point did your  7 compliance clearinghouse begin to encompass that  8 area of Purdue?  9 MR. HOFFMAN:  10 Object to form.  11 A That resided in a different department.  12 MS. CONROY:  13 Q What department was that?  14 A Well, it would have been several.  15 Customer service and national accounts.  16 Q At some point after the Rannazzisi  17 letters, was there a committee formed, the order  18 monitoring committee? Did you -- do you recall  19 that happening?  20 A Yes.  21 Q That did not exist, am I correct, prior  22 to the Rannazzisi letters?  23 A It did not exist prior to that.  24 Q Okay. And, so, when you -- when you  25 began at Purdue, you were in -- you were dealing</p>	<p style="text-align: right;">Page 68</p> <p>1 A There was a --  2 I'm sorry. Did you ask was there a  3 policy?  4 Q Was there a suspicious order monitoring  5 program?  6 A Program. Yes. There was a suspicious  7 order monitoring procedure.  8 Q And what was that?  9 A And that was -- resided with customer  10 service and I think probably national accounts  11 and maybe, generally speaking, the finance  12 organization.  13 Q And is that anything that you knew  14 about prior to getting involved with the  15 formation of the committee?  16 A Yes.  17 Q Okay. And how did you come in contact?  18 How did you know about it?  19 A Well, I -- I developed relationships  20 with people throughout the company. One -- one  21 of those would be the director of customer  22 service. I had a close relationship with the  23 executive director, chief financial officer -- he  24 had a very, very strong interest in all aspects  25 of the business and the national accounts -- and</p>
<p style="text-align: right;">Page 67</p> <p>1 with compliance with respect to the manufacturing  2 operation; correct?  3 A Yes.  4 Q At some point after the Rannazzisi  5 letters, did your responsibilities expand to  6 include order mon- -- suspicious order  7 monitoring?  8 A I became part of a committee. So, in  9 that regard, my responsibilities expanded.  10 Q To the best of your knowledge, did that  11 committee exist prior to your joining that  12 committee?  13 A It did not.  14 Q What proximate time frame would you put  15 on the creation of that committee?  16 A Discussions took place throughout 2008.  17 I think the committee probably became established  18 in the fall of 2008. Became more formal in the  19 first quarter of 2009, something like that. That  20 would be my recollection.  21 Q Do you know if there was any sort of  22 suspicious order monitoring program in place  23 prior to, say, the fall of 2008 at Purdue?  24 A I do.  25 Q And what do you know about that?</p>	<p style="text-align: right;">Page 69</p> <p>1 also the credit manager. So just from  2 interactions with those people, I knew about it.  3 Whether or not I asked or they told me, I don't  4 remember.  5 Q Okay. And what is it about the  6 Rannazzisi letters that, in your mind, changed  7 things?  8 MR. HOFFMAN:  9 Object to form.  10 MR. GOLDMAN:  11 Object to form.  12 Go ahead.  13 A Sorry. I keep stepping on this cord.  14 I apologize.  15 Well, the first thing I noticed was  16 that it was a letter that -- industry had not  17 received letters like that in the -- in the past,  18 to my knowledge. So it was what I would  19 categorize as an extraregulatory guidance letter  20 that DEA was asking for industry's help. So the  21 first thing I noticed was that it was an  22 expansion of the plain language of the  23 regulation.  24 MS. CONROY:  25 Q And did you have -- did you have</p>



<p style="text-align: right;">Page 70</p> <p>1 conversations with customer service or national  2 accounts or the -- or your -- or the credit  3 manager about how this plain language explanation  4 could impact Purdue?  5 A Yes.  6 Q Okay. And -- and what did you tell  7 them?  8 A That, you know, we -- we had to take  9 note of this; that the DEA was asking for our  10 help. We wanted to stay ahead of the curve in  11 understanding what it really was that they  12 wanted, and that it, sooner or later, might  13 impact the manufacture.  14 Wasn't sure, but I began conversations  15 with cross-functional people throughout the  16 company: Supply chain, security, in addition to  17 customer service.  18 Certainly the credit -- director of  19 credit was heavily involved in the beginning  20 because of his interest in accounts, and then  21 expanded to national accounts, and a series of  22 meetings to try to, you know, understand this,  23 basically.  24 Q And you said that it might impact  25 manufacturing. Did you believe at the time that</p>	<p style="text-align: right;">Page 72</p> <p>1 responsibilities were in providing and filling  2 orders for their retail customers, meaning retail  3 pharmacies, primarily.  4 Q And what made you think that it would  5 have any impact on manufacturers?  6 A I wasn't sure. I just said we wanted  7 to be ready if it did.  8 Q And, at some point in time, did you  9 begin to believe it did impact manufacturers?  10 MR. GOLDMAN:  11 Objection.  12 Go ahead.  13 A At some point in time I believed it to  14 be a good call for citizens, shall I say, and to  15 help DEA in this mission that we would do all we  16 could to help. But whether or not we were  17 required, that -- that was another story.  18 MS. CONROY:  19 Q Purdue was a DEA registrant --  20 A Yes.  21 Q -- with respect to controlled  22 substances?  23 A Yes.  24 Q And was it your opinion that the  25 letters encompassed DEA registrants?</p>
<p style="text-align: right;">Page 71</p> <p>1 it did impact distributors or wholesalers?  2 A I did.  3 Q And tell me a little bit about that.  4 What was your understanding of the impact of the  5 Rannazzisi letters to --  6 Do you call them distributors or  7 wholesalers?  8 A Well, actually, they're one and the  9 same in this context. A distributor could be a  10 distributor -- I'm sorry -- of its own products.  11 Q Okay.  12 A A full-line wholesaler distributes  13 everyone's products. All right?  14 Q Okay.  15 A So, but they're the same category of  16 registrant with DEA.  17 Q Okay.  18 A Nonpractitioner.  19 Q And what was your understanding of the  20 impact of the Rannazzisi letters on distributors  21 and wholesalers?  22 A A little bit more advice or directive,  23 even though it was not a -- a formal guidance  24 letter. We didn't know how to describe it. It  25 was a letter, and -- on what their</p>	<p style="text-align: right;">Page 73</p> <p>1 A I'm trying to understand "encompassed  2 DEA registrants."  3 Q Let me ask it a little bit differently.  4 Did you come to believe that there  5 was -- if you were a DEA registrant, it didn't  6 matter whether you were a manufacturer, a  7 wholesaler, or a distributor; you had a  8 responsibility as outlined in the Rannazzisi  9 letters?  10 MR. HOFFMAN:  11 Object to form.  12 MR. GOLDMAN:  13 Objection.  14 A I -- I hate to ask -- request you to  15 ask that again, but I would say no.  16 MS. CONROY:  17 Q Okay. So you -- you saw a difference  18 between a manufacturer that was a DEA registrant  19 and a wholesaler or distributor who was a DEA  20 registrant with respect to controlled substances?  21 A I did, clearly.  22 Q Okay. And do you still hold that  23 opinion, that they're different?  24 A Yes.  25 Q Okay. And does that mean that they are</p>



<p style="text-align: right;">Page 74</p> <p>1 different with respect to their responsibilities  2 concerning suspicious orders?  3 MR. HOFFMAN:  4 Object to the form.  5 MS. CONROY:  6 Q Do they -- do they have different  7 responsibilities?  8 MR. HOFFMAN:  9 Object to the form.  10 A I'm sorry. I didn't --  11 MS. CONROY:  12 Q You can -- you can answer.  13 MR. GOLDMAN:  14 You can answer, yeah.  15 A Different responsibilities.  16 MS. CONROY:  17 Q Okay. And explain to me the  18 differences.  19 A Well, one of the terms used in  20 suspicious order monitoring is -- would be an  21 order or orders. You have to detect whether or  22 not an order is suspicious. That denotes an  23 order from your customer.  24 So a manufacturer has a customer base  25 of wholesale companies or distributing companies.</p>	<p style="text-align: right;">Page 76</p> <p>1 A Yes, it would.  2 MR. GOLDMAN:  3 Counsel, we're going for an hour and a  4 half, so whenever would be good to take a break.  5 MS. CONROY:  6 Okay. Yeah. Just give me a couple of  7 minutes.  8 MR. GOLDMAN:  9 Yeah.  10 MS. CONROY:  11 Q Is your -- is your understanding of  12 those two separate -- I'll call them separate  13 responsibilities or separate explanations of  14 responsibilities, is that generally held -- do  15 you know? -- in the industry?  16 MR. HOFFMAN:  17 Object to the form.  18 A Yes.  19 MS. CONROY:  20 Q Okay. And how -- how do you know that?  21 A From my experience.  22 MS. CONROY:  23 Okay. Let's -- let's take a break, and  24 then --  25 VIDEOGRAPHER:</p>
<p style="text-align: right;">Page 75</p> <p>1 Those are the customers of the manufacturer.  2 The distributors -- distributors -- I'm  3 sorry -- or wholesalers distribute controlled  4 substance products to retail pharmacies, some  5 cases to -- I mean, and hospitals, clinics, and  6 so forth, what we call a retail level.  7 So there's a difference in customer.  8 And that, to me, denotes a difference in  9 responsibility.  10 Q Okay. And what sort of difference in  11 responsibility does it --  12 Explain to me what that difference is.  13 A Well, suspicious order monitoring in  14 that regard, the manufacturer would be required  15 to have a system to detect, you know, irregular  16 or noteworthy orders from their customer.  17 Q And that would be the distributor or  18 the wholesaler?  19 A Right.  20 They do not have the responsibility of  21 the direct relationship of -- of the movement of  22 the product to the retail level.  23 Q And would that responsibility be in the  24 hands of the distributor of the wholesaler whose  25 customers were the retail pharmacies?</p>	<p style="text-align: right;">Page 77</p> <p>1 We are now going off the video record.  2 The time is currently 10:49 a.m. This is the end  3 of media number 1.  4 (OFF THE RECORD.)  5 VIDEOGRAPHER:  6 We are now back on the video record  7 with the beginning of media number 2. The time  8 is currently 11:17 a.m.  9 MS. CONROY:  10 Q Mr. Crowley, you gave me some positions  11 of individuals who became -- were or became  12 involved in suspicious order monitoring. One was  13 customer service department. Do you recall that?  14 A Yes.  15 Q Who was the person that you would --  16 who do you recall from customer service as being  17 involved?  18 A The director, in the initial  19 discussions --  20 Q Sure.  21 A -- Laura Watson.  22 Q Okay. And anyone else from customer  23 service that either joined discussions or became  24 involved later?  25 A No.</p>

<p style="text-align: right;">Page 78</p> <p>1 Q And national accounts, who's that?</p> <p>2 A Stephen Seid.</p> <p>3 Q Anyone -- what about Mr. Projansky or</p> <p>4 anyone else in national accounts? Do you know</p> <p>5 Mr. Projansky?</p> <p>6 A I believe he worked for Stephen Seid.</p> <p>7 Q Okay.</p> <p>8 A Right.</p> <p>9 Q But you -- in your head, it's Stephen</p> <p>10 Seid?</p> <p>11 A Yes.</p> <p>12 Q The credit manager, who's that?</p> <p>13 A Dan Colucci.</p> <p>14 Q Can you recall any other individuals at</p> <p>15 Purdue involved with those three and yourself</p> <p>16 with respect to suspicious order monitoring?</p> <p>17 A In the discussions in the time frame</p> <p>18 leading up to the establishment of the committee?</p> <p>19 Q Correct.</p> <p>20 A Generally speaking, Chuck Forsaith.</p> <p>21 Q And where did he fit in?</p> <p>22 A He was the director of supply chain</p> <p>23 security at that time.</p> <p>24 Q Anyone from the sales side, marketing</p> <p>25 side, somebody like Russ Gasdia, anybody like</p>	<p style="text-align: right;">Page 80</p> <p>1 customers and -- and the way to interpret the</p> <p>2 Rannazzisi letters with respect to whose</p> <p>3 responsibilities it was to prevent suspicious</p> <p>4 orders from being filled. Do you -- do you</p> <p>5 recall that testimony?</p> <p>6 A Yes, I do. Yeah.</p> <p>7 Q Okay. And who do you consider the</p> <p>8 Purdue customers in that analysis?</p> <p>9 A Its authorized distributors.</p> <p>10 Q And has that been your opinion since</p> <p>11 you began to interpret the Rannazzisi letters and</p> <p>12 create the suspicious order -- be a part of the</p> <p>13 creation of the suspicious order monitoring</p> <p>14 program at Purdue?</p> <p>15 A Yes.</p> <p>16 Q And who are the wholesaler --</p> <p>17 I'm calling it wholesaler.</p> <p>18 A Right.</p> <p>19 Q Would you -- that means distributors to</p> <p>20 you, wholesalers?</p> <p>21 A Right.</p> <p>22 Q Okay. And who are their customers?</p> <p>23 A Well, their customers are retail</p> <p>24 pharmacies, hospital clinics, primarily. Whether</p> <p>25 or not they -- they are also able to distribute</p>
<p style="text-align: right;">Page 79</p> <p>1 that?</p> <p>2 A No. National accounts was the only</p> <p>3 area that I spoke with, that Stephen Seid.</p> <p>4 Q Okay. What about Howard Udell or Robin</p> <p>5 Abrams?</p> <p>6 A Well, I reported directly to Robin</p> <p>7 Abrams. At that time that we're speaking about,</p> <p>8 I have no recollection of having anything -- any</p> <p>9 conversations with Howard Udell.</p> <p>10 Q Okay. Would you include Robin Abrams</p> <p>11 with the discussions leading up to the creation</p> <p>12 of a suspicious order monitoring program?</p> <p>13 A Yes.</p> <p>14 MR. HOFFMAN:</p> <p>15 Sorry. Object to form.</p> <p>16 MS. CONROY:</p> <p>17 Q So do I have everybody when I --</p> <p>18 Let me list out the names. Yourself,</p> <p>19 Laura Watson, Stephen Seid, Dan Colucci, Chuck</p> <p>20 Forsaith and Robin Abrams?</p> <p>21 A To the best of my recollection, yes.</p> <p>22 Q And let me make sure that I completely</p> <p>23 understand what you were telling me just before</p> <p>24 we took the break.</p> <p>25 So you were talking to me about</p>	<p style="text-align: right;">Page 81</p> <p>1 to secondary wholesalers, smaller companies.</p> <p>2 Q Okay.</p> <p>3 A And I don't know. It's possible that</p> <p>4 they would distribute to individual</p> <p>5 practitioners. But I'm not a hundred percent</p> <p>6 positive on that.</p> <p>7 Q But an individual practitioner could be</p> <p>8 a customer if there was that kind of an</p> <p>9 arrangement?</p> <p>10 A Could be.</p> <p>11 Q Right.</p> <p>12 A You know.</p> <p>13 Q Would that be, like, a dispensing</p> <p>14 physician or a physician that has a -- who has a</p> <p>15 pharmacy in their --</p> <p>16 A Yes.</p> <p>17 Q -- clinic or office?</p> <p>18 A That's right.</p> <p>19 Q And, so, it's your testimony that when</p> <p>20 DEA was asking for help, as you -- as you stated,</p> <p>21 in the Rannazzisi letters, 2006, 2007, that you</p> <p>22 understood that to mean that Purdue had to -- had</p> <p>23 to know who their authorized distributors were in</p> <p>24 order to fill their orders?</p> <p>25 MR. GOLDMAN:</p>

<p style="text-align: right;">Page 82</p> <p>1       Objection.</p> <p>2 MR. HOFFMAN:</p> <p>3       Object to form.</p> <p>4 A       Well, we always knew who our authorized</p> <p>5 distributors were. We had a relationship with</p> <p>6 them. So, yes, that's the way I understood it.</p> <p>7       The 2007 letter was a little bit of an</p> <p>8 extension of that first letter.</p> <p>9 MS. CONROY:</p> <p>10 Q       Okay. And how -- did that impact in</p> <p>11 any way your view of who Purdue was responsible</p> <p>12 for with respect to suspicious orders?</p> <p>13 A       I thought, and several of us thought</p> <p>14 that we should, you know, go the extra step to</p> <p>15 support our authorized distributors in their due</p> <p>16 diligence efforts with their own customers.</p> <p>17 Q       And that meant that, going the extra</p> <p>18 step, is it fair to say that that would mean</p> <p>19 providing them information that Purdue might have</p> <p>20 with respect to an authorized distributor's</p> <p>21 customers?</p> <p>22 A       Eventually. First we'd have to get</p> <p>23 that data, which we didn't have readily.</p> <p>24 Q       And that data ultimately came from the</p> <p>25 fee for service agreements?</p>	<p style="text-align: right;">Page 84</p> <p>1 between Purdue and its authorized distributors</p> <p>2 allowed for a significant amount of visibility</p> <p>3 with respect to the customers of the authorized</p> <p>4 distributors?</p> <p>5 MR. HOFFMAN:</p> <p>6       Object to the form.</p> <p>7 MS. CONROY:</p> <p>8 Q       By visibility, I mean, you knew what</p> <p>9 they were -- knew what they were ordering and</p> <p>10 what prescriptions they were filling.</p> <p>11 MR. HOFFMAN:</p> <p>12       Object to form.</p> <p>13 A       That data was contained within the</p> <p>14 system.</p> <p>15 MS. CONROY:</p> <p>16 Q       And, so, when I -- and I understand it</p> <p>17 was a work in progress to be able to get it all</p> <p>18 together and get a database working that you</p> <p>19 could see that data and work with that data.</p> <p>20 A       Correct.</p> <p>21 Q       But it was -- it was your understanding</p> <p>22 that, as of around 2008, 2009, Purdue had</p> <p>23 significant visibility with respect to where its</p> <p>24 pills were going all the way down to the</p> <p>25 street-level pharmacies?</p>
<p style="text-align: right;">Page 83</p> <p>1 A       Yes. My understanding, yeah.</p> <p>2 Q       And, once that data came in, it was at</p> <p>3 least your position, and maybe some others', that</p> <p>4 that information should be shared with Purdue's</p> <p>5 authorized distributors?</p> <p>6 MR. HOFFMAN:</p> <p>7       Object to form.</p> <p>8 MS. CONROY:</p> <p>9 Q       Or let me put it this way. Was</p> <p>10 already -- they already knew what it was.</p> <p>11 A       Right.</p> <p>12 Q       But it should be shared for the purpose</p> <p>13 of assisting with suspicious order monitoring.</p> <p>14 MR. HOFFMAN:</p> <p>15       Object to form.</p> <p>16 A       We -- we had to convert, shall I say,</p> <p>17 or manipulate -- not manipulate, but we had to</p> <p>18 take that data and -- and apply some instructions</p> <p>19 to it. I'm not an IT person. But we wanted to</p> <p>20 get certain information from that data that we</p> <p>21 could then use to support our authorized</p> <p>22 distributors in their efforts, yes.</p> <p>23 MS. CONROY:</p> <p>24 Q       And is it fair to say that the fee for</p> <p>25 service agreements or contracts that were set up</p>	<p style="text-align: right;">Page 85</p> <p>1 MR. HOFFMAN:</p> <p>2       Object to form.</p> <p>3 A       We had visibility to the pharmacies,</p> <p>4 yes.</p> <p>5 MS. CONROY:</p> <p>6 Q       And I believe -- and I'm gonna -- just</p> <p>7 gonna ask if you agree or disagree with this. I</p> <p>8 took Mr. Seid's deposition a few weeks ago, and</p> <p>9 he put it in sort of the -- I think in the</p> <p>10 90 -- somewhere in the 90 percent visibility, and</p> <p>11 it might have even been as high as 97 and a half</p> <p>12 percent visibility by Purdue down to the retail</p> <p>13 pharmacies. Would you agree with that?</p> <p>14 MR. HOFFMAN:</p> <p>15       Object to form. Foundation.</p> <p>16 A       Purdue's top three customers provided</p> <p>17 that percentage that you just talked about.</p> <p>18 MS. CONROY:</p> <p>19 Q       And, so, the top -- the top three</p> <p>20 customers, you're talking about the top three</p> <p>21 authorized distributors?</p> <p>22 A       Yes.</p> <p>23 Q       And who were they?</p> <p>24 A       McKesson, Cardinal, and</p> <p>25 AmerisourceBergen.</p>

<p style="text-align: right;">Page 86</p> <p>1 Q And because you had visibility down to  2 the street-level retail pharmacies with respect  3 to all three of those authorized distributors,  4 that gave you visibility in the high 90 percent?  5 MR. HOFFMAN:  6 Object to form. Foundation.  7 A I've seen figures of 93, and I've also  8 seen 97. I don't really know what the actual  9 figure is.  10 MS. CONROY:  11 Q Okay. But it's somewhere in the 90s?  12 A Yes.  13 Q And it was -- it was -- it was your  14 view that --  15 Or let me ask you. Was it your view  16 that Purdue should take an extra step with its  17 suspicious order monitoring program to support  18 its authorized distributors with respect to the  19 filling or not filling of suspicious orders down  20 to the pharmacy level?  21 A It was -- it was my view that we should  22 support our authorized distributors with that  23 activity on a, you know, case-by-case basis.  24 Yeah.  25 Q And what was your understanding of what</p>	<p style="text-align: right;">Page 88</p> <p>1 Object to form.  2 MS. CONROY:  3 Q -- to add to that? You would -- they  4 could -- they could report a -- they could report  5 a retail pharmacy or hospital or clinic or a  6 secondary wholesaler or an individual  7 practitioner, they could -- they could report  8 them to the DEA with the information that Purdue  9 could provide; correct?  10 MR. HOFFMAN:  11 Object to form.  12 A They would report to DEA with -- using  13 their own information, supported by us, right.  14 MS. CONROY:  15 Q Sure. But what I'm -- what I'm asking  16 you about is, in your view of this and in your  17 view of the extra step that Purdue could take  18 with this -- this very robust database that you  19 were creating in 2008, 2009, that would provide  20 information to the wholesalers so that they could  21 report orders as suspicious to the DEA concerning  22 their own retail customers; correct?  23 MR. HOFFMAN:  24 Object to form.  25 A The data information that we --</p>
<p style="text-align: right;">Page 87</p> <p>1 a distributor could do with that data or that  2 information?  3 MR. HOFFMAN:  4 Object to form. Foundation.  5 A Well, they could report certain orders  6 as suspicious to DEA. They could also, if it was  7 appropriate, stop -- discontinue doing business  8 with a retail account. Those two things,  9 primarily.  10 MS. CONROY:  11 Q When you say discontinue doing business  12 with a retail account, could the wholesaler at  13 least stop a shipment to those retail accounts  14 while it conducted an investigation?  15 A It could.  16 MR. HOFFMAN:  17 Object to form.  18 MS. CONROY:  19 Q Would that be something to --  20 A Yeah.  21 MR. GOLDMAN:  22 You have to wait a bit.  23 MS. CONROY:  24 Q -- to --  25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 89</p> <p>1 actually, myself -- shared with wholesalers was  2 to support them in their own due diligence  3 efforts, to direct them, you know, at certain  4 accounts that they needed to evaluate a little  5 bit closer. I don't -- I think that's the  6 easiest way for me to describe it.  7 MS. CONROY:  8 Q Okay. And, I mean, is it fair to say  9 that once you provided that information, it was  10 up to them to do whatever they were going to do;  11 correct?  12 MR. HOFFMAN:  13 Object to form.  14 A Generally. But, on a case by case, I'd  15 have to address it. Right.  16 MS. CONROY:  17 Q Well, let me -- let me put it this way.  18 You could not report an order as suspicious to  19 the DEA on behalf of one of the -- one of  20 Purdue's authorized distributors; correct?  21 A We -- we would not have done that  22 without their agreement.  23 MR. PYSER:  24 Object to form on the last question.  25 MS. CONROY:</p>

<p style="text-align: right;">Page 90</p> <p>1 Q And -- and why is that?</p> <p>2 MR. PYSER:</p> <p>3 Object to form.</p> <p>4 A Without their knowledge, it would be a</p> <p>5 direct reflection on their -- on their business</p> <p>6 process. So this was a support activity so that</p> <p>7 any reports to DEA would be -- would known -- be</p> <p>8 known to both parties. If -- yeah. Simple as</p> <p>9 that.</p> <p>10 MS. CONROY:</p> <p>11 Q Because if you -- if you went sort of</p> <p>12 behind their back and reported to the DEA about a</p> <p>13 suspicious pharmacy that was purchasing</p> <p>14 controlled substances from, say, McKesson, you</p> <p>15 would want to let McKesson know that first</p> <p>16 because McKesson was gonna lose business when the</p> <p>17 DEA -- potential -- potentially could lose</p> <p>18 business when the DEA heard about that pharmacy;</p> <p>19 correct?</p> <p>20 MR. PYSER:</p> <p>21 Object to form.</p> <p>22 MS. SIDARTH:</p> <p>23 Object to the form.</p> <p>24 A There would be an ongoing discussion</p> <p>25 with McKesson. Right.</p>	<p style="text-align: right;">Page 92</p> <p>1 of 2009 with the DEA officials in Los Angeles.</p> <p>2 And, in good faith, I think our new chief</p> <p>3 security officer may have mentioned a pharmacy or</p> <p>4 two -- I don't remember -- without coordinating</p> <p>5 with the wholesaler first.</p> <p>6 Q And what happened as a result of that?</p> <p>7 Was -- was the -- was the wholesaler upset with</p> <p>8 Purdue?</p> <p>9 A I made a call as soon as I found out</p> <p>10 about it and explained the situation. So I -- I</p> <p>11 don't -- I don't think upset would be a -- a</p> <p>12 accurate word.</p> <p>13 Q So is it fair to say you -- you heard</p> <p>14 about it in time to sort of smooth the waters a</p> <p>15 bit?</p> <p>16 MR. GOLDMAN:</p> <p>17 Objection.</p> <p>18 MR. HOFFMAN:</p> <p>19 Object to form.</p> <p>20 A I just called my contacts at</p> <p>21 Amerisource and told them what happened. Right.</p> <p>22 MS. CONROY:</p> <p>23 Q Who was the -- who was the corporate</p> <p>24 security person at Purdue that --</p> <p>25 Do you recall?</p>
<p style="text-align: right;">Page 91</p> <p>1 MS. CONROY:</p> <p>2 Q And it's not -- were there any</p> <p>3 instances where you feel Purdue should report</p> <p>4 without having a conversation or contact with the</p> <p>5 distributor?</p> <p>6 MR. HOFFMAN:</p> <p>7 Object to form.</p> <p>8 MS. CONROY:</p> <p>9 Q Or with their customers? With Purdue's</p> <p>10 customer.</p> <p>11 MR. HOFFMAN:</p> <p>12 Sorry. Object to form.</p> <p>13 A Not that I recall.</p> <p>14 MS. CONROY:</p> <p>15 Q Is there any instance that you can</p> <p>16 recall where there was a report to the DEA with</p> <p>17 respect to a suspicious order of a retail</p> <p>18 pharmacy where you did not have the distributor's</p> <p>19 agreement to make that report?</p> <p>20 MR. HOFFMAN:</p> <p>21 Object to form.</p> <p>22 A I believe there was one.</p> <p>23 MS. CONROY:</p> <p>24 Q And what one was that?</p> <p>25 A It was a meeting that took place in May</p>	<p style="text-align: right;">Page 93</p> <p>1 A Last name Geraci, G-E-R-A-C-I, Geraci,</p> <p>2 Mark.</p> <p>3 Q And Mr. Geraci didn't -- is it fair to</p> <p>4 say he didn't follow the --</p> <p>5 At least I'll call it a procedure, but</p> <p>6 maybe that's too strong a word for it. I don't</p> <p>7 know. You can tell me.</p> <p>8 -- that he needs to tell ABC before he</p> <p>9 does some -- before he reports something or talks</p> <p>10 about something directly to the DEA agents?</p> <p>11 MR. HOFFMAN:</p> <p>12 Object to the form.</p> <p>13 A Well, it -- it was a brand new policy.</p> <p>14 He -- he was fairly brand new to the company, so</p> <p>15 I think it was done in good intention to take</p> <p>16 advantage of other activity that he was doing in</p> <p>17 that geographical area, so to maximize his own</p> <p>18 productivity.</p> <p>19 So I -- I can't remember exactly how</p> <p>20 you phrased it, but I don't think he violated the</p> <p>21 policy, you know, and certainly not knowingly.</p> <p>22 MS. CONROY:</p> <p>23 Q Okay. Now, you said it was a brand new</p> <p>24 policy. What -- what year would you put on the</p> <p>25 policy?</p>



<p style="text-align: right;">Page 94</p> <p>1 A 2009.</p> <p>2 Q Okay. And how -- would you describe</p> <p>3 the policy to me? How -- or how would you --</p> <p>4 Or let me -- strike that.</p> <p>5 Is -- is the policy written anywhere?</p> <p>6 A Yes.</p> <p>7 Q Where is it written?</p> <p>8 A It -- it's a standard operating</p> <p>9 procedure that resides in the Office of General</p> <p>10 Counsel.</p> <p>11 Q And do you know which --</p> <p>12 Is it 0007? Does that sound familiar</p> <p>13 to you?</p> <p>14 A I think so. I know there's a seven</p> <p>15 involved.</p> <p>16 Q Okay. We'll look at some, and you can</p> <p>17 tell me which one.</p> <p>18 A Excuse me.</p> <p>19 Q Now, in that standard operating</p> <p>20 procedure at Purdue, is there a section of that</p> <p>21 SOP that says do not report a retail pharmacy or</p> <p>22 secondary wholesaler or any of these -- any of</p> <p>23 the wholesalers' customers to the DEA without</p> <p>24 first letting the authorized distributor know?</p> <p>25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 96</p> <p>1 Q Okay.</p> <p>2 A Yeah.</p> <p>3 Q But that was the only instance that</p> <p>4 you know that the Purdue policy was violated and</p> <p>5 a Purdue employee went directly to the DEA</p> <p>6 without receiving agreement from an authorized</p> <p>7 distributor?</p> <p>8 MR. HOFFMAN:</p> <p>9 Object to form. Foundation. Also</p> <p>10 misstates his prior testimony.</p> <p>11 A It's the only instance I'm aware of.</p> <p>12 MS. CONROY:</p> <p>13 Q Do you ever recall a situation where</p> <p>14 the disagreement was put in writing, as the SOP</p> <p>15 allowed?</p> <p>16 MR. HOFFMAN:</p> <p>17 Object to form. Foundation.</p> <p>18 A No.</p> <p>19 MS. CONROY:</p> <p>20 Q The agreement with the distributor, who</p> <p>21 was responsible for speaking with the authorized</p> <p>22 distributor and reaching agreement with respect</p> <p>23 to whether or not to report one of the</p> <p>24 distributor's customers to the DEA?</p> <p>25 A On the Purdue side?</p>
<p style="text-align: right;">Page 95</p> <p>1 Object to form. Foundation.</p> <p>2 A There's language contained in that, is</p> <p>3 my recollection, that addresses reporting to DEA</p> <p>4 and that that will be done with the agreement of</p> <p>5 the authorized distributor.</p> <p>6 There may also be wording that, if</p> <p>7 there is a disagreement, it'll be conducted in</p> <p>8 writing before Purdue would make the report</p> <p>9 itself. That provision was in there just in</p> <p>10 case.</p> <p>11 MS. CONROY:</p> <p>12 Q Okay. And, as far as you know, the</p> <p>13 Las Vegas pharmacy -- was that -- was that Lams?</p> <p>14 Does that sound familiar to you?</p> <p>15 MR. HOFFMAN:</p> <p>16 Object to form.</p> <p>17 A I'm familiar with the Lams Pharmacy in</p> <p>18 Las Vegas, yes.</p> <p>19 MS. CONROY:</p> <p>20 Q Do -- do you think that was the one</p> <p>21 that Mr. Geraci reported?</p> <p>22 A Yes. I think -- as I say, there might</p> <p>23 have been another one. I'm not sure.</p> <p>24 Q Okay. Well --</p> <p>25 A Well, there was a variety of them.</p>	<p style="text-align: right;">Page 97</p> <p>1 Q Yes.</p> <p>2 A Me. Myself.</p> <p>3 Q Okay. Anyone else?</p> <p>4 A Anyone from that committee could have</p> <p>5 done it.</p> <p>6 Q And you're talking about the order</p> <p>7 monitoring committee?</p> <p>8 A Yes.</p> <p>9 Q Okay. So anyone on that committee on</p> <p>10 their own could seek agreement from a</p> <p>11 distributor, or would it need to be a committee</p> <p>12 function?</p> <p>13 A It would generally be a committee</p> <p>14 function, right.</p> <p>15 Q And then -- and then someone from the</p> <p>16 committee would then be designated to inform both</p> <p>17 the distributor and then, if there was agreement,</p> <p>18 they would -- the committee would decide who</p> <p>19 should report to the DEA?</p> <p>20 A If there were gonna be a report to the</p> <p>21 DEA, the SOP said that it would be done by me or</p> <p>22 my department.</p> <p>23 Q Okay. And, as far as you know, that's</p> <p>24 the way it worked?</p> <p>25 A Yes.</p>



<p style="text-align: right;">Page 98</p> <p>1 Q And do you recall instances where there  2 was agreement with the distributor to report to  3 the DEA a -- a distributor's customer? Did it  4 ever happen?  5 A I'm sorry. That there was a  6 disagreement?  7 Q No. Was -- do you have -- do you  8 recall any instances where there was agreement  9 with the distributor and you yourself reported  10 one of the distributor's customers to the DEA?  11 A It would have happened the other way,  12 and they would have said, if they wanted to,  13 per -- per discussion with Purdue. It was up to  14 them. But there was an agreement, yes.  15 Q Okay. So you would -- the way it  16 worked was, then, you would have a discussion  17 with the distributor, you would say, "We  18 believe" -- "We, Purdue, have -- believe that  19 this customer of yours should be reported to the  20 DEA"?  21 A Well, be- --  22 MR. GOLDMAN:  23 Objection.  24 Go ahead.  25 A Before that, there has to be a due</p>	<p style="text-align: right;">Page 100</p> <p>1 A No.  2 Q So it would have been your  3 responsibility to tell the distributor to  4 report -- after agreement and everyone did their  5 homework, it would be your responsibility to say  6 to the distributor, "Okay, go and report this to  7 the DEA"?  8 A We would reach an understanding, yes.  9 Q And would you get confirmation that the  10 distributor did in fact report to the DEA?  11 A Not in all cases.  12 Q Was that something that you would  13 request of the distributor --  14 A Yes.  15 Q -- to be told?  16 A Yes.  17 Q And, in some instances, would you get a  18 copy of the report or anything like that?  19 A I don't recall. I don't think so.  20 Q Was there any way that you could track  21 which retail customers of one of Purdue's  22 authorized distributors had been reported to the  23 DEA by the distributor?  24 A No.  25 Q Were you tracking at any place at</p>
<p style="text-align: right;">Page 99</p> <p>1 diligence assess- -- you know --  2 Q Sure.  3 A -- assessment.  4 Q You would have done your -- you would  5 have done your homework, and you would have  6 come --  7 A Well, they have to also.  8 Q Okay.  9 A So, then, after that, you mean?  10 Q Right. And, so, what you're telling me  11 is when everyone did their homework, both the  12 distributor as well as Purdue, and you reached  13 agreement that there was a necessity to report a  14 customer of the distributor to the DEA, the  15 entity who would make that report to the DEA,  16 you're telling me, was the distributor?  17 MR. HOFFMAN:  18 Object to form. Foundation.  19 A Yes.  20 MS. CONROY:  21 Q It would -- it would not be Purdue.  22 A That's correct.  23 Q Do you recall any instances where  24 Purdue then agreed to make the report to the DEA  25 rather than the authorized distributor?</p>	<p style="text-align: right;">Page 101</p> <p>1 Purdue, once you and the order monitoring  2 committee reached agreement with the distributor,  3 that the retail customer should be reported to  4 the DEA?  5 MR. HOFFMAN:  6 Object to form.  7 A Perhaps in notes of the committee  8 meeting -- committee minutes or in the system  9 itself, the remarks section.  10 MS. CONROY:  11 Q That -- the system, what do -- what do  12 you call that system?  13 A I call it the OMS system. That's what  14 I call it.  15 Q And you had a hand in the creation or  16 the design of that system? Is that fair?  17 A I'm not a design person, so what -- I  18 had input into what the algorithm should be or  19 the instructions or parameters, whatever you want  20 to call it, what information do we want in the  21 beginning to create a system to see how we could  22 help and support.  23 So then the IT experts would take that  24 data that we got from the fee for service and  25 create our -- our own unique internal system.</p>

<p style="text-align: right;">Page 102</p> <p>1 Q And you called that the OMS system?</p> <p>2 A Yes.</p> <p>3 Q Was that -- was it a database?</p> <p>4 A Yes.</p> <p>5 Q Could you -- could you get to your</p> <p>6 office in the morning and call it up on your</p> <p>7 computer and see it?</p> <p>8 A I could.</p> <p>9 Q Okay. And did you?</p> <p>10 A Not every day, but, yes, I could.</p> <p>11 Q And, when you did that, what would</p> <p>12 you -- what would you see?</p> <p>13 A Other committee members also had,</p> <p>14 you know, sight lines to that. I may have been</p> <p>15 looking at something differently than they did.</p> <p>16 I saw high-volume purchasers of our</p> <p>17 product that came to my attention that I wanted</p> <p>18 to discuss with the wholesalers.</p> <p>19 Q And somehow, in the inner workings of</p> <p>20 the database, those high-volume purchases --</p> <p>21 purchasers -- those high-volume purchasers would</p> <p>22 be retail --</p> <p>23 A Retail pharmacies.</p> <p>24 Q Or hospitals, clinics, any of the</p> <p>25 customers of the distributors?</p>	<p style="text-align: right;">Page 104</p> <p>1 Object to form.</p> <p>2 A I -- I wouldn't say a ranking, but,</p> <p>3 yes, that's correct.</p> <p>4 MS. CONROY:</p> <p>5 Q Or you could -- by ranking --</p> <p>6 A Correct.</p> <p>7 Q -- you could -- well, you could see</p> <p>8 what they were all ordering from Purdue. And</p> <p>9 whether or not you could rank it or put them in</p> <p>10 alphabetical order or something, that was a</p> <p>11 function of the database?</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to form.</p> <p>14 A Yeah.</p> <p>15 MS. CONROY:</p> <p>16 Q What else could you -- other than</p> <p>17 high-volume purchasers, what else could you see</p> <p>18 on the database?</p> <p>19 A That was it, primarily. Yeah.</p> <p>20 Q Or that was what -- that was it for</p> <p>21 what you looked at?</p> <p>22 A Right.</p> <p>23 Q Okay. Others on the committee may have</p> <p>24 had access to other areas?</p> <p>25 A That may not have been the only thing</p>
<p style="text-align: right;">Page 103</p> <p>1 A Yes. Except a very -- one time, I</p> <p>2 think, it's always retail cus- -- retail</p> <p>3 pharmacies.</p> <p>4 Q Okay.</p> <p>5 A Yeah.</p> <p>6 Q And somehow the database would create</p> <p>7 for you a list of those high-volume retail</p> <p>8 pharmacies and maybe some others that were</p> <p>9 triggering some algorithm. Is that correct?</p> <p>10 A Yes.</p> <p>11 Q And if you went on your computer and</p> <p>12 clicked the right buttons, you would see that</p> <p>13 list?</p> <p>14 A It -- it -- I mean, it's probably not</p> <p>15 as simple as that. It's -- it's done by -- you</p> <p>16 can do it by state, you could do it by ZIP code,</p> <p>17 whatever. But -- or you could do it in its</p> <p>18 entirety. So I could see top purchasers for</p> <p>19 geographical area.</p> <p>20 Q And if -- if you were anywhere between</p> <p>21 93 to 97 and a half percent visibility, you were</p> <p>22 gonna -- you could see a ranking of all of the</p> <p>23 retail pharmacies in the country and know what</p> <p>24 their volumes were; is that correct?</p> <p>25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 105</p> <p>1 that we looked at.</p> <p>2 Q Okay. Okay.</p> <p>3 A Yeah.</p> <p>4 Q And I know I'm going back in time,</p> <p>5 trying to kind of --</p> <p>6 A That's okay.</p> <p>7 Q -- have to recreate what the system was</p> <p>8 like.</p> <p>9 Did the system have a password?</p> <p>10 A I truthfully don't recall.</p> <p>11 Q Could you -- could you access the</p> <p>12 system on a laptop? If you were on the road,</p> <p>13 could you see the system?</p> <p>14 A I believe that that was possible,</p> <p>15 because we could --</p> <p>16 What do they call it? VPN?</p> <p>17 Q Yeah.</p> <p>18 A You know, right.</p> <p>19 Q Could you, on the system itself, if --</p> <p>20 if there were emails or reports that had been</p> <p>21 created, were they linked in the system? Could</p> <p>22 you -- could you click on something and see an</p> <p>23 email exchange or see reports that had been</p> <p>24 written up about a particular pharmacy?</p> <p>25 A You could see notes that were written.</p>

<p style="text-align: right;">Page 106</p> <p>1 I'm not -- I don't think we -- you couldn't see  2 any committee report on that system, but you  3 could see notes.  4 Q Could you create a report using the  5 system? Could you -- could you select certain  6 notes or certain parts of the system and have it  7 print out and give you the, you know, the top ten  8 volume pharmacies in South Carolina or something?  9 A I'm -- I'm sure one could. I didn't  10 particularly do that, but --  11 Q Okay.  12 A Yeah.  13 Q Was that system in operation when you  14 left Purdue in 2013?  15 A I believe so. 2012. The end of 2012.  16 Q The end of 2012.  17 A Right.  18 Q Do you know or do you have any idea if  19 it's still in effect today, or some version of  20 it?  21 A I truthfully don't know. I -- I don't  22 know.  23 Q Okay. How many, if you know --  24 Or let me ask it --  25 I would like to know who or how many</p>	<p style="text-align: right;">Page 108</p> <p>1 A Administrative assistant.  2 Q Okay.  3 A Yeah.  4 Q And did he or she have access?  5 A If I requested, perhaps. I -- I didn't  6 exclude her for any reason that I may have  7 forgotten. But that wouldn't have been her  8 primary function at all.  9 Q Could you -- could you yourself input  10 text into the notes section of the database?  11 A Yes.  12 Q And did you?  13 A Yes.  14 Q And what was -- what kinds of notes  15 would you enter?  16 A An example would be, "On January 10th,  17 2010" -- I just picked that date --  18 Q Yeah.  19 A -- "I spoke with a certain person at  20 AmerisourceBergen about this customer, and this  21 was the result."  22 Q And is that how -- is -- is the  23 database the way that you would keep track of  24 your communication and contact with your  25 authorized distributors in discussing suspicious</p>
<p style="text-align: right;">Page 107</p> <p>1 people had access to the OMS system. Was it  2 company-wide or was it a select --  3 A No. Just committee members.  4 Q Just the -- just the OMS --  5 A And maybe the designer of the system.  6 Q Okay. So the -- the order monitoring  7 committee all had access to this database.  8 A Yes.  9 Q And maybe IT to fix --  10 A Yeah.  11 Q -- things or whatever?  12 A And maybe one or two support people  13 from the Office of General Counsel. Maybe.  14 Q Would that be Giselle Issa?  15 A She was the -- designated as the  16 director of the order monitoring system at some  17 point while I was there, yeah. That would be  18 her, yeah.  19 Q Okay. Cheryl Reuss, do you remember  20 that name in the --  21 Cheryl Reuss? No?  22 I -- I may see a name further and ask  23 who else.  24 A No. I don't know that name.  25 Q Did you have a secretary?</p>	<p style="text-align: right;">Page 109</p> <p>1 orders?  2 A That was the intent. That was the --  3 excuse me -- the goal.  4 Q And that was so if you -- would it be  5 fair to say that if you left for a couple of  6 days, one, and you were waiting for a call back  7 from AmerisourceBergen, when that individual  8 called back, you could then go back and call in  9 and -- and look at the notes and say, "Oh, I  10 tried to reach him on such-and-such a day about  11 this particular pharmacy"?  12 A That -- that capability was there.  13 Again, that was the goal.  14 Q Okay.  15 A Yeah.  16 Q And did you feel that the database  17 accomplished the goal of keeping track of  18 suspicious orders and contact with authorized  19 distributors, or reporting contact with  20 authorized distributors?  21 A I think it -- if there were any  22 shortfall, it would have been I failed to make  23 notes because I was busy doing something else.  24 Again, the intent was to put the note. The  25 capability was there. I think we captured most</p>

<p style="text-align: right;">Page 110</p> <p>1 of it, yeah.</p> <p>2 Q And that's where, if -- if the database</p> <p>3 exists today, that's where your contemporaneous</p> <p>4 notes would reside?</p> <p>5 A Yes.</p> <p>6 Q Anywhere else you would keep notes</p> <p>7 other than the database?</p> <p>8 A Emails. Doing an email correspondence.</p> <p>9 Perhaps, you know, committee notes of</p> <p>10 some of the meetings.</p> <p>11 Q Were committee notes kept on the</p> <p>12 database at all? Do you know? Do you know if</p> <p>13 there was a tab --</p> <p>14 A I don't believe so. We were working</p> <p>15 towards that or were trying to get that kind of a</p> <p>16 system, but I don't think it was ever</p> <p>17 accomplished while I was there.</p> <p>18 Q Okay.</p> <p>19 A Yeah.</p> <p>20 Q The other committee members, as far as</p> <p>21 you know, did they use the notes section to keep</p> <p>22 notes, contemporaneous notes?</p> <p>23 A The people who kept the notes were</p> <p>24 myself, primarily, Steve Seid, and Luis Bauza.</p> <p>25 He was the director of security, investigations.</p>	<p style="text-align: right;">Page 112</p> <p>1 A My recollection is that was a problem</p> <p>2 for me personally. I -- so whether I was doing</p> <p>3 it wrong, you know...</p> <p>4 I'm sure the capability was there, but</p> <p>5 it wasn't readily available for -- with a couple</p> <p>6 of clicks, you know. So...</p> <p>7 Q Okay. So it wasn't something that</p> <p>8 you -- it might have been there, but it's not</p> <p>9 something you were -- did?</p> <p>10 A Yeah. It was the current -- it would</p> <p>11 have been the current 12 months. Might have been</p> <p>12 18, but certainly the current 12 months. But I</p> <p>13 don't think you could go back 60 months or</p> <p>14 something like that.</p> <p>15 Q Or, at least, you didn't --</p> <p>16 A I didn't.</p> <p>17 Q -- know what the clicks were to do</p> <p>18 that?</p> <p>19 A Right.</p> <p>20 MS. CONROY:</p> <p>21 I think we should probably stop for the</p> <p>22 status conference and lunch. Okay?</p> <p>23 THE WITNESS:</p> <p>24 Okay.</p> <p>25 MS. CONROY:</p>
<p style="text-align: right;">Page 111</p> <p>1 I don't think anyone else really put notes in</p> <p>2 there, although, you know, perhaps so.</p> <p>3 Q Okay. Could anybody who had access to</p> <p>4 the database read your notes or Mr. Seid's notes</p> <p>5 or Mr. Bauza's notes?</p> <p>6 A Yes. That -- that was the purpose.</p> <p>7 Q And when the notes went in, were they</p> <p>8 current at that point? They didn't need -- when</p> <p>9 you typed them in, they were then available for</p> <p>10 people to read?</p> <p>11 A They were available immediately, yep.</p> <p>12 Yes.</p> <p>13 Q Was there any quality control, that you</p> <p>14 were aware of, of that database?</p> <p>15 MR. HOFFMAN:</p> <p>16 Object to the form.</p> <p>17 A That was one of the functions of</p> <p>18 Giselle Issa, so I -- I -- if there was,</p> <p>19 she -- she would have been the one. Yeah. I</p> <p>20 don't know.</p> <p>21 MS. CONROY:</p> <p>22 Q Did the database, as far as you're</p> <p>23 concerned, at least, by the end of 2012, could</p> <p>24 you go all the way back to the beginning of the</p> <p>25 database?</p>	<p style="text-align: right;">Page 113</p> <p>1 Okay? Thank you.</p> <p>2 VIDEOGRAPHER:</p> <p>3 We are now going off the video record.</p> <p>4 The time is currently 11:58 a.m. This is the end</p> <p>5 of media number 2.</p> <p>6 (OFF THE RECORD.)</p> <p>7 VIDEOGRAPHER:</p> <p>8 We are now back on the video record.</p> <p>9 The time is currently 12:47 p.m. This is the</p> <p>10 beginning of media number 3.</p> <p>11 MS. CONROY:</p> <p>12 Q Mr. Crowley, welcome back from lunch.</p> <p>13 A Thank you.</p> <p>14 Q A couple of questions back about the</p> <p>15 OMS database. When you would sit down at your</p> <p>16 desk and access the database do you remember did</p> <p>17 you click on an icon or did you have to do</p> <p>18 something else to get to the database?</p> <p>19 A I'm sure I had to click on something,</p> <p>20 yes.</p> <p>21 Q Okay. But it was -- it was accessible</p> <p>22 the way email is accessible on your database --</p> <p>23 on your desktop? If you recall.</p> <p>24 A Right. I think you asked me before if</p> <p>25 it was password-protected, and I don't remember</p>

<p style="text-align: right;">Page 114</p> <p>1 that it -- that it was.  2 Q Okay.  3 A That's not to say that it wasn't,  4 but --  5 Q No. I understand.  6 A Yeah. And it would have been only  7 available to the people that we've talked about.  8 Q And it was -- and it was available on  9 your desktop, and there was possibly a way to  10 dial in or otherwise remotely connect to it from  11 your laptop at least at some point during your  12 tenure at Purdue?  13 A I believe -- I believe that's correct.  14 Q And did you have an actual office at  15 Purdue?  16 A Had several.  17 Q Okay. And did you have an office in  18 Stamford?  19 A Yes.  20 Q And where else did you have one?  21 A Wilson, North Carolina.  22 Q And did you have computers at --  23 desktop computers at both locations?  24 A I had two computers.  25 Q And could you actually look at your</p>	<p style="text-align: right;">Page 116</p> <p>1 manufacturing, what part of packaging, warehouse,  2 whatever. Many different categories,  3 subcategories.  4 Q And that was separate from the OMS  5 database?  6 A Yes.  7 Q And you were telling me earlier that IT  8 would have assisted with the O- -- OMS database  9 or the creation of the OMS database. Is that  10 correct?  11 A That's my understanding. Yes.  12 Q Is there a particular person that you  13 recall that you would have spoken to about what  14 you and others were looking for in that database?  15 A That -- that was handled by Steve Seid.  16 I do know the individual but cannot remember his  17 name right now. I -- I can't. I'm sorry.  18 Q Okay. But you remember that Steve Seid  19 had discussions with whoever that IT individual  20 is about what the OMS committee wanted the  21 database to do?  22 A Yes.  23 Q And was it the same person that you  24 used to help you design or create the  25 manufacturing compliance database?</p>
<p style="text-align: right;">Page 115</p> <p>1 email and look at the OMS database on two  2 different monitors?  3 A I could. I don't recall ever doing  4 that.  5 Q Okay. What else would you use your  6 computer for when you were at Purdue? Emails,  7 the OMS database. What other -- what other --  8 Did you look, for example, at  9 the -- did you look at fee for service contracts  10 electronically or did you access orders that were  11 coming in, anything like that?  12 A I did not.  13 Q Did you use any -- did you have any  14 sort of database that you used with respect to  15 your functions as a compliance executive with  16 respect to the manufacturing operations?  17 A I did set up a file, and I think that  18 then became included in another file of all the  19 activities, yes.  20 Q And when you say "file," you mean like  21 a database with respect to manufacturing  22 functions?  23 A Right. And it might -- might have been  24 by location, by activity, whether it was -- you  25 know, what part of packaging, what part of</p>	<p style="text-align: right;">Page 117</p> <p>1 A No.  2 MR. GOLDMAN:  3 Objection.  4 MS. CONROY:  5 Q Who was that?  6 MR. GOLDMAN:  7 Go ahead.  8 A Created it myself.  9 MS. CONROY:  10 Q Okay. So you -- you were able to  11 do -- you were able to do that on your own.  12 A Yes. And then later, with probably  13 someone like Giselle Issa, who worked for me at  14 that time, we included that in a, you know, in a  15 different system, shall I say, so it was  16 available to other people if they needed it.  17 Q And would that have -- would it be fair  18 to say that, when you sat either in Stamford or  19 in Wilson, you could get access to either the OMS  20 database or you could get access to this  21 manufacturing database?  22 A Yes.  23 Q Okay.  24 A Yeah.  25 Q Was there an SOP with respect to the</p>



<p style="text-align: right;">Page 118</p> <p>1 manufacturing database?</p> <p>2 A I don't believe so.</p> <p>3 Q Was there ever any guide or instruction</p> <p>4 manual for the OMS database?</p> <p>5 A I'm only familiar with that SOP,</p> <p>6 you know, in my recollection. So I'm not</p> <p>7 familiar with anything else.</p> <p>8 Q Okay.</p> <p>9 A Yeah.</p> <p>10 Q Let me show you what I've marked as</p> <p>11 Exhibit 7.</p> <p>12 (CROWLEY EXHIBIT NUMBER 7</p> <p>13 WAS MARKED FOR IDENTIFICATION.)</p> <p>14 MS. CONROY:</p> <p>15 Q Yours -- the stamped copy is yours, and</p> <p>16 then there are some copies to pass down.</p> <p>17 Actually, I will mark this OMO note as</p> <p>18 Exhibit 9 so that we don't lose it.</p> <p>19 (CROWLEY EXHIBIT NUMBER 9</p> <p>20 WAS MARKED FOR IDENTIFICATION.)</p> <p>21 MR. HOFFMAN:</p> <p>22 So are we skipping 5 and 6 for now?</p> <p>23 MS. CONROY:</p> <p>24 I have them here, but I'm out of order</p> <p>25 right now. So I'm not skipping. We'll get</p>	<p style="text-align: right;">Page 120</p> <p>1 A Not particularly, no.</p> <p>2 Q Okay. Have you ever seen a screen that</p> <p>3 looked like the first page of Exhibit 7, that</p> <p>4 just listed out pharmacies and individuals? Does</p> <p>5 that look familiar, even if it's not these exact</p> <p>6 pharmacies?</p> <p>7 A I've only seen a list like this that</p> <p>8 would include pharmacy, not individual</p> <p>9 pharmacies.</p> <p>10 Q I see.</p> <p>11 And do you recognize whatever that icon</p> <p>12 is on the left-hand side, this -- right -- where</p> <p>13 it says B &amp; B Pharmacy and there's a --</p> <p>14 A Yeah. I see it, what you mean, and I</p> <p>15 don't. I don't recognize that.</p> <p>16 Q Okay. And, then, if you turn the page.</p> <p>17 And I realize this, again, is after you had left</p> <p>18 Purdue, but does that look familiar in any way to</p> <p>19 something you might have seen on your computer</p> <p>20 screen?</p> <p>21 A At my time, I don't remember seeing</p> <p>22 emails and correspondence and OMS meeting minutes</p> <p>23 and notes. So I -- I would say no, I'm not</p> <p>24 familiar with this, but I've seen screenshots</p> <p>25 that -- which included maybe some of this, but...</p>
<p style="text-align: right;">Page 119</p> <p>1 there.</p> <p>2 MR. GOLDMAN:</p> <p>3 This is 7.</p> <p>4 MS. CONROY:</p> <p>5 Q Exhibit 7 is PPLP004384833 through 37.</p> <p>6 And I realize this is just -- I'm just gonna ask</p> <p>7 you, does this look in any way familiar to you?</p> <p>8 I see here on the first page a list of pharmacies</p> <p>9 that, as you go further in, there's more</p> <p>10 information about the pharmacies. And then we go</p> <p>11 and there's some physicians that are listed on</p> <p>12 the final page.</p> <p>13 Do you know if this is -- or can you</p> <p>14 tell if this is anything from the OMS database,</p> <p>15 or are these screenshots from it or something</p> <p>16 else?</p> <p>17 A I'm familiar with some of these names,</p> <p>18 so looks familiar in that sense.</p> <p>19 If I go by the date here that it's</p> <p>20 modified, it was after I retired from Purdue. So</p> <p>21 I don't know if this is an extension of the</p> <p>22 system as I recall it, but --</p> <p>23 The question is am I familiar with</p> <p>24 this.</p> <p>25 Q Yeah.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q Okay. So when -- you -- you know what</p> <p>2 emails and correspondence are.</p> <p>3 A I do.</p> <p>4 Q You just maybe didn't see it in</p> <p>5 this -- in the way it appears here on this</p> <p>6 document, Exhibit 7?</p> <p>7 A Did not.</p> <p>8 Q Did you keep or do you know if the OMS</p> <p>9 committee kept emails and correspondence in one</p> <p>10 place, for example, that concerned B &amp; B Pharmacy</p> <p>11 or any pharmacy?</p> <p>12 MR. PYSER:</p> <p>13 Object to form. Foundation.</p> <p>14 A I -- I believe that we were always</p> <p>15 trying to perfect that system. One of Giselle</p> <p>16 Issa's -- part of her title was director of</p> <p>17 recordkeeping. So I think some of this was</p> <p>18 developed after I left.</p> <p>19 MS. CONROY:</p> <p>20 Q And --</p> <p>21 A But the intention was always to,</p> <p>22 you know, capture as much data as you could, I</p> <p>23 think.</p> <p>24 Q Okay.</p> <p>25 A And, so, they perfected it as they went</p>



<p style="text-align: right;">Page 122</p> <p>1 along, yeah.</p> <p>2 Q Looking at these, B &amp; B Pharmacy,</p> <p>3 Better Value Pharmacy, Central Care Pharmacy, is</p> <p>4 it fair to say that these are customers of an</p> <p>5 authorized distributor of Purdue?</p> <p>6 A Yes, those pharmacies would be, I -- I</p> <p>7 believe.</p> <p>8 Q Okay.</p> <p>9 A It's fair to say that they -- they</p> <p>10 could be, sure, absolutely.</p> <p>11 Q And when -- do you see where, on the</p> <p>12 first page, it says, for example, Pharmacist</p> <p>13 Perry Tam Nguyen? Do you see that?</p> <p>14 A Nguyen? Yeah.</p> <p>15 Q Nguyen?</p> <p>16 Had you ever seen a pharmacist -- had</p> <p>17 you ever seen anything with respect to an</p> <p>18 individual pharmacist before in the OMS system?</p> <p>19 A No.</p> <p>20 Q Okay.</p> <p>21 A Well, except in notes maybe.</p> <p>22 Q Okay.</p> <p>23 A Yep.</p> <p>24 Q And if we turn the page to the section</p> <p>25 about Perry Nguyen --</p>	<p style="text-align: right;">Page 124</p> <p>1 A Case-by-case basis, yeah.</p> <p>2 Q So if you, during the time at Purdue,</p> <p>3 when you would sit down at your desk and there'd</p> <p>4 be a list of pharmacies to look -- as you told me</p> <p>5 before, the high-volume pharmacies to look at,</p> <p>6 would it be part of your practice to take a look</p> <p>7 or ask someone to run a LexisNexis report on a</p> <p>8 particular pharmacist?</p> <p>9 A A case-by-case basis. It wouldn't --</p> <p>10 wouldn't be routine.</p> <p>11 Q Okay. So, depending on the case,</p> <p>12 that's something you might have asked an</p> <p>13 assistant to do?</p> <p>14 A Potentially, yes.</p> <p>15 Q And then if you look at Physician</p> <p>16 Eleanor Santiago, do you see that --</p> <p>17 A Yes.</p> <p>18 Q -- a little further on down on the</p> <p>19 page?</p> <p>20 And then it says, "Santiago, 24-month</p> <p>21 Rx history, May 2010."</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q Did you have -- did you have access,</p> <p>25 while you were on the OMS committee, to physician</p>
<p style="text-align: right;">Page 123</p> <p>1 See if there is one.</p> <p>2 MR. GOLDMAN:</p> <p>3 Top of the last page.</p> <p>4 MS. CONROY:</p> <p>5 Yeah.</p> <p>6 Q Do you see that?</p> <p>7 Do you know what boardofpharmacy.mht</p> <p>8 is?</p> <p>9 A I do not.</p> <p>10 Q Or are you familiar with what a</p> <p>11 LexisNexis report --</p> <p>12 A Yes, I am. But I -- I -- yes.</p> <p>13 Q I understand you don't know what this</p> <p>14 is --</p> <p>15 A Right.</p> <p>16 Q -- in particular, but do those -- do</p> <p>17 those file indicators mean anything to you,</p> <p>18 generally?</p> <p>19 A Familiar with the term -- with</p> <p>20 LexisNexis.</p> <p>21 Q And would you have occasion to look up</p> <p>22 pharmacists on LexisNexis?</p> <p>23 A I would ask someone else to -- to help</p> <p>24 me with -- with that.</p> <p>25 Q And that's --</p>	<p style="text-align: right;">Page 125</p> <p>1 prescribing history if you asked for it?</p> <p>2 A Only if I asked for it. I didn't have</p> <p>3 it readily.</p> <p>4 Q Okay. And who did you ask for it?</p> <p>5 MR. GOLDMAN:</p> <p>6 Objection.</p> <p>7 MS. CONROY:</p> <p>8 Q Or who would -- who would you ask, or</p> <p>9 what department would you ask?</p> <p>10 A Someone within general counsel.</p> <p>11 Usually Joan Zooper, Attorney.</p> <p>12 Q And did the general counsel's office</p> <p>13 have that data, or would that be something that</p> <p>14 Joan Zooper or someone in the general counsel's</p> <p>15 office would get from a different department?</p> <p>16 A I -- I don't think they had to rely on</p> <p>17 anyone else, so I -- I would say their own</p> <p>18 department.</p> <p>19 Q Okay. So -- so Joan Zooper in the</p> <p>20 general counsel's office could call up from</p> <p>21 somewhere, some database, prescribing history of</p> <p>22 someone, a physician or whoever that you might</p> <p>23 ask for?</p> <p>24 MR. HOFFMAN:</p> <p>25 Object to form. Foundation.</p>

<p style="text-align: right;">Page 126</p> <p>1 A I don't want to be mixed up. So are we          2 talking about prescribing history or the          3 LexisNexis --          4 MS. CONROY:          5 Q I'm talking about prescribing -- right          6 now I'm talking about --          7 Let me ask it this way. As I          8 understand it, you didn't need to go to the          9 general counsel's office to get a LexisNexis          10 report. That's something you could ask your          11 assistant to run for you.          12 A Well, I had to ask someone who had          13 access to that, and that happened to be someone          14 in the general counsel's office, in my          15 experience. So --          16 Q Okay. So who -- who would you ask in          17 the general counsel's office to run --          18 A The -- the same person --          19 MR. GOLDMAN:          20 Let her finish her question.          21 A I'm sorry. I'm sorry.          22 MS. CONROY:          23 Q That's okay.          24 A Yeah.          25 Q Giselle Issa would you ask?</p>	<p style="text-align: right;">Page 128</p> <p>1 A We're colleagues, and she was a support          2 person on the OMS committee. She wasn't a formal          3 member but valuable asset --          4 Q Okay.          5 A -- colleague.          6 Q And could, if you know, could          7 Stephen --          8 Stephen Seid was on the commission as          9 well, correct? I mean was on the committee as          10 well; correct?          11 A Yes.          12 Q And would Stephen Seid be able to call          13 on Joan Zooper for that sort of support?          14 A He could, in my opinion, yes.          15 Q Who else was on the committee that you          16 recall?          17 A The --          18 Q The formal members.          19 A Right. The formal members were Robin          20 Abrams --          21 She was the chair.          22 -- Mark Geraci, who we had mentioned          23 before --          24 He's the chief security officer. Both          25 of those individuals are vice presidents.</p>
<p style="text-align: right;">Page 127</p> <p>1 A No, no, I -- I did not answer that.          2 I'm sorry.          3 Q Oh.          4 A For the LexisNexis, if I needed that          5 report, if -- if I were the one to initiate the          6 request, I would probably go to Joan Zooper.          7 Q Okay.          8 A Right.          9 Q And, now, in asking you about a          10 prescription history with respect to a          11 physician --          12 A Right.          13 Q -- you would also ask Joan Zooper for          14 that?          15 A Yes.          16 Q And was it Joan Zooper until you left          17 Purdue at the end of 2012?          18 A Yes.          19 Q Anyone else in the general counsel's          20 office you would have asked for that type of          21 information?          22 A Not to my recollection. My answer          23 would be no.          24 Q And how did you know to go to Joan          25 Zooper for that information?</p>	<p style="text-align: right;">Page 129</p> <p>1 -- Stephen Seid, Executive Director,          2 National Accounts, Luis Bauza, Director of          3 Investigations --          4 He was a direct report to Mark Geraci.          5 -- and myself, Executive Director of          6 CSA Compliance. I believe those were the formal          7 members.          8 Q And were those the members from the          9 time of inception of the committee until you left          10 Purdue at the end of 2012 --          11 A Yes.          12 Q -- as best you can recall?          13 A Yes.          14 Q Did -- did the members elect Robin          15 Abrams as the chair or --          16 A No.          17 Q How did that work? How did she become          18 the chair?          19 A She -- she assumed the responsibility.          20 That -- that's my answer.          21 Q And was the OMS committee considered a          22 formal committee within the Purdue structure?          23 MR. HOFFMAN:          24 Object to the form.          25 A I think it would have been on the next</p>

<p style="text-align: right;">Page 130</p> <p>1 level down, but it may have -- may have been  2 eventually, yeah.  3 MS. CONROY:  4 Q Did you get any additional payment or  5 salary for sitting on that committee?  6 A No.  7 Q Okay. Do you know if anyone else on  8 the committee did?  9 A I do know, and they did not.  10 Q It was -- it was part of your daily  11 responsibilities?  12 A Yes.  13 Q And do you know who, if anyone, took  14 your place when you left Purdue?  15 A I -- I don't. I don't, no.  16 Q Was Stephen Seid at Purdue when -- by  17 the end of December of 2012? Was he still there?  18 A Yes. I think he retired after I did,  19 so...  20 Q And Luis Bauza --  21 A Bauza.  22 Q -- Bauza, is he still at Purdue? Do  23 you know?  24 A I -- I believe so. I haven't spoken to  25 the gentleman since -- since I retired. I think</p>	<p style="text-align: right;">Page 132</p> <p>1 This is PPLPC041000014663 through 670.  2 MS. CONROY:  3 Q I'm not going to -- this looks pretty  4 dense. I'm not going to be asking you --  5 I just want to ask you some general  6 questions about the document. But, obviously,  7 feel free to read it if you want to.  8 But I'm just gonna say does this --  9 does Exhibit 8, Report to OMS Team, October 28th,  10 2010, look familiar to you? Does the -- does the  11 way it appears look familiar to you, not -- not  12 the data in it?  13 A I think this looks familiar in format.  14 Q Okay.  15 A Yep.  16 Q And who would -- who would create a  17 report to OMS team in -- in or around 2010?  18 A So, at that time, I believe the  19 director of the order management system was  20 Elizabeth -- Betsy Adams, I believe, and --  21 attorney. And she was top-notch in creating  22 these types of reports.  23 Q And did the report -- I see that it's  24 got, you know, sort of a shaded area, Background  25 and Reason, OMS Investigation. You see the Roman</p>
<p style="text-align: right;">Page 131</p> <p>1 he's still there.  2 Q Have you spoken to Robin Abrams since  3 you retired?  4 A No.  5 Q How about -- maybe you told me this --  6 Mark Geraci?  7 A Right. I have not spoken to him.  8 Q Okay. What about Joan Zooper or  9 Giselle Issa? Have you spoken to either of them?  10 A Have not spoken to Giselle since I  11 retired. I may have spoken to Joan once or twice  12 about issues that had nothing to do with  13 the -- our former duties, you know.  14 Q Just -- just personal?  15 A Personal, yeah. Relocation type of  16 thing.  17 Q We'll put that one away.  18 (CROWLEY EXHIBIT NUMBER 8  19 WAS MARKED FOR IDENTIFICATION.)  20 MS. CONROY:  21 Q I want to show you what I've  22 marked -- again, this is just out of order -- as  23 Exhibit 8.  24 And I have the stickered copy and then  25 copies behind it for you.</p>	<p style="text-align: right;">Page 133</p> <p>1 Numerals I and II on the front page. Was this a  2 template?  3 A It was something she developed, so  4 it -- it was not a template that was formally  5 approved by the committee. It's just something  6 that -- it was her format.  7 Q And if you take a look -- and this says  8 at the top, on the first page, V Pacifica PHCY,  9 Inc., Hunt Beach. So that's V Pacifica Pharmacy,  10 Huntington Beach?  11 A Yes.  12 Q And would this be a pharmacy that you  13 were investigating, if there was a report  14 created?  15 A I'm not sure "investigating" is the  16 word I'd use at this point, but it's certainly  17 one we were considering.  18 Q Okay. Where it says on the first page  19 "Ranked 30th in sales operations audit of 638  20 national accounts outlets for 12 months ending  21 July 31, 2010," do you see that?  22 A I do.  23 Q And then there's a -- there's  24 a -- looks like some sort of a chart. Would  25 that -- would that chart have been pulled off of</p>

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1 some other document and inserted into this  
2 report?  
3 MR. HOFFMAN:  
4 Object to form. Foundation.  
5 A Frankly, she -- some people were better  
6 at manipulating that data than I was. So it was  
7 pulled from -- from various sources, including  
8 the OMS system, I guess.  
9 MS. CONROY:  
10 Q Okay. So -- because the O -- the OMS  
11 system, or at least as far as you're concerned,  
12 you weren't ranking sales operations; correct?  
13 A That's right. I had nothing to do with  
14 that.  
15 Q Right. So this -- this -- that's taken  
16 from some other data in the company; correct?  
17 A Yes. Yes. That --  
18 Q But that's -- that's within -- that's  
19 data within Purdue, correct, as far as you know?  
20 A As far as I know, that -- that would be  
21 true, yes.  
22 Q Okay. Then the next bullet point says,  
23 "Flagged by sales operations as an outlier for  
24 OMS review."  
25 Do you see that?

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1 A Yes.  
2 Q And what does that mean?  
3 A I -- that means that the sales  
4 representative who was responsible for that area  
5 filed a report of concern through a -- through  
6 the sales system of --  
7 What was on that report, I don't know.  
8 But that's why it was flagged.  
9 Q Okay. And then the next bullet point  
10 says, "ROC from field sales force indicating the  
11 pharmacy was filling prescriptions written by  
12 Region 0 prescribers."  
13 Do you see that?  
14 A I do.  
15 Q And is that ROC "report of concern"?  
16 A Yes.  
17 Q And, so, the bullet point above it,  
18 they -- they're both a result of a report of  
19 concern, the identification or the flagging as an  
20 outlier, as well as the actual report of concern  
21 from the sales force?  
22 A That would be my interpretation of  
23 that, my understanding of that, yes.  
24 Q Okay. Then the next section, OMS  
25 investigation activity, do you see that?

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1 A Yes.  
2 Q And then it says, "OMS database, FFS  
3 data."  
4 That's fee for service data?  
5 A Yes.  
6 Q Then it says, "Summary fee for service  
7 data for the 12 months ending September 30th,  
8 2010, shows a slight increase in sales compared  
9 to the 12-month data ending July 30th, above, but  
10 a slight decrease in the percentage attributable  
11 to the higher OxyContin dosage strengths."  
12 Do you see that?  
13 A Yes.  
14 Q And then there's -- there's another  
15 table that's pulled in, correct, the table just  
16 underneath that sentence I just read?  
17 A It's a table of another customer?  
18 MR. GOLDMAN:  
19 No. She's just saying that there's  
20 another table.  
21 A Oh, there's another table, yes.  
22 MS. CONROY:  
23 Q There's another table --  
24 A Yeah. Right.  
25 Q -- that's pulled in; correct?

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1 A Yes.  
2 Q Do you know where the text comes from  
3 that's in that bullet? Do you know who would  
4 have prepared that? Does that come from Stephen  
5 Seid? Does it come from Joan Zooper? Does it  
6 come from Betsy Adams?  
7 A I -- I think that came from Betsy  
8 Adams.  
9 Q And then it says, "As detailed in the  
10 following customer 867 data on the next page."  
11 Do you see that?  
12 A Yes.  
13 Q Do you recall what 867 data is?  
14 A That's the one and the same as what we  
15 have referred to as FFS data. It's the data we  
16 purchased from our wholesalers which captured  
17 their sales to the retail pharmacies.  
18 Q Okay. And that would be -- if you just  
19 look one line down, the wholesaler was H.D. Smith  
20 in this situation?  
21 A Yes, I see that.  
22 Q Okay. And, so, Purdue -- one of  
23 Purdue's authorized distributors was H.D. Smith  
24 at this time; correct?  
25 A Yes, that's correct.

<p style="text-align: right;">Page 138</p> <p>1 Q And H.D. Smith, pursuant to the fee for  2 service agreement with Purdue, was paid to  3 provide data with respect to its retail  4 pharmacy -- or supply to its retail pharmacy  5 customers back to Purdue; correct?  6 A Yes, that's correct.  7 Q And, as a result of that data that went  8 back to Purdue, someone on the order monitoring  9 team was able to determine that there might be a  10 problem with the Pacifica Pharmacy in Huntington  11 Beach. Is that fair?  12 MR. HOFFMAN:  13 Object to form.  14 A There were indications that additional  15 due diligence should occur. Right.  16 MS. CONROY:  17 Q And that 867 data is either daily or  18 weekly, correct, that it gets back to Purdue?  19 A I -- I don't know that it was as often  20 as daily or even weekly, but certainly monthly.  21 I -- I'm not trying to be evasive. I don't know  22 that it was weekly, but it might have been.  23 Q That's something Mr. Seid knows more  24 about; correct?  25 A Yes. Right.</p>	<p style="text-align: right;">Page 140</p> <p>1 unusual activity at the -- at that location?  2 A No.  3 Q Did that ever happen?  4 A Not to my knowledge.  5 Q How did you select the pharmacies to  6 look at as part of the OMS committee?  7 MR. HOFFMAN:  8 Object to form.  9 A There were various methods. But  10 speaking of the OMS system itself, I would select  11 high-volume outlets in, perhaps, hot spot areas.  12 If I were interested in south Florida, Detroit,  13 San Francisco, New York, Knoxville, Tennessee, or  14 Los Angeles, I might do it that way. I could  15 also look at that -- the top 25 in the whole  16 country. So there are various ways I could do  17 it.  18 MS. CONROY:  19 Q Okay. And that was up to you. You  20 could -- you could determine how you wanted to  21 slice and dice the data to take a look?  22 A And each member could also input what  23 they thought was important. And that would  24 include the new director, who was Betsy Adams at  25 the time.</p>
<p style="text-align: right;">Page 139</p> <p>1 Q Okay. But, in any event, that data was  2 available to Purdue to review and analyze;  3 correct?  4 A Yes. I -- I answer as a member of the  5 OMS committee. Steve Seid would be a better  6 person to answer some aspects of that. He had  7 sight on this every day.  8 Q Okay. And earlier today you had said  9 to me that when you would go to your office, you  10 could have a list -- you know, not every day, but  11 some days you would have a list of high-volume  12 pharmacies that needed to be -- closer look  13 needed to be taken. Correct?  14 MR. HOFFMAN:  15 Object to form.  16 A I could log on to the system, if I can  17 use the term "log on" --  18 MS. CONROY:  19 Q Yeah.  20 A -- and -- and query anything I wanted  21 to that day.  22 Q Would there be any triggering mechanism  23 that would tell you, for example, you should take  24 a look at the Huntington Beach pharmacy, for  25 example, this week because we're seeing some</p>	<p style="text-align: right;">Page 141</p> <p>1 Q Would you ever receive a request from  2 Betsy Adams or Robin Abrams, as the chair, or  3 Stephen Seid at national accounts, Hey, I think  4 you'd better take a look at X pharmacy?  5 A Most of the time it was the other way  6 around. But we didn't mention Mark Geraci.  7 He -- he might develop a hot spot strategy and he  8 would want Jack Crowley and Luis Bauza to go look  9 at each borough of New York City.  10 Q I see. And then -- and then -- then  11 you would take the data and --  12 A Right.  13 Q -- and do whatever you needed to do to  14 be able to see all the pharmacies in a particular  15 borough in New York?  16 A That's right.  17 Q Okay. And what was the purpose -- what  18 was your purpose in doing that?  19 A Primarily, as we've discussed, to  20 support our authorized distributors. Right.  21 Q And when you would receive information,  22 how would you actually support an authorized  23 distributor? What would you do to support them?  24 A Well, I -- I had routine, if I could  25 use that word, or pretty regular contact with the</p>



<p style="text-align: right;">Page 142</p> <p>1 monitoring committees of each company. And, so,          2 there'd be a phone call, there'd be perhaps email          3 pretty soon in the process if I thought that they          4 needed to be made aware of, you know, what I was          5 looking at, what I was finding. Perhaps they          6 already knew. Perhaps they were way ahead of me.          7 But we would have a conversation. So...</p> <p>8 Q Did you believe it was Purdue's          9 responsibility to support their authorized          10 distributors with respect to problem pharmacies          11 or hot spot areas or issues that you were seeing          12 in the data?</p> <p>13 MR. HOFFMAN:          14 Object to form. Time frame.</p> <p>15 MS. CONROY:          16 Q During the time of the -- during the          17 time of the order monitoring committee?</p> <p>18 A I -- I believe it's something we wanted          19 to do. I believe we were trying to be a          20 corporate -- good corporate citizen and -- excuse          21 me -- citizen, and I -- I don't necessarily and I          22 do not believe that it was our responsibility          23 under the regulatory scheme at that time. That's          24 all I'll say.</p> <p>25 Q Okay. Did you believe it was a part of</p>	<p style="text-align: right;">Page 144</p> <p>1 A On a case-by-case basis, yes.</p> <p>2 Q Okay. And then what you're -- what you          3 were kind of parsing for me was when it came to          4 the authorized distributor's customers, the          5 wholesaler's customers as a -- as a -- as you          6 term it, a good corporate citizen --</p> <p>7 A Right.</p> <p>8 Q -- you were working to report those to          9 your authorized distributors if you thought there          10 was a suspicious customer, but you didn't feel          11 that that was Purdue's responsibility?</p> <p>12 MR. HOFFMAN:          13 Object to form.</p> <p>14 A I believe it was something that, as we          15 developed a system, we wanted to do and could do          16 and -- and tried to do the best we could with it,          17 yeah. But whether or not there's a          18 responsibility from a regulatory requirement, did          19 not believe that.</p> <p>20 MS. CONROY:          21 Q Okay. Did you believe or do you          22 believe that the authorized distributors have a          23 responsibility under the Controlled Substances          24 Act to report suspicious orders to the DEA?</p> <p>25 MR. HOFFMAN:</p>
<p style="text-align: right;">Page 143</p> <p>1 the -- that it was a -- that it was Purdue's          2 responsibility to track whether or not there were          3 suspicious order amounts from its authorized          4 wholesalers or distributors?</p> <p>5 A That's something that we wanted to do          6 as -- as -- as this thing emerged. Maybe that's          7 not the --</p> <p>8 As it became developed, based on those          9 letters, this is what we wanted to do. When you          10 asked me is it -- was it Purdue's responsibility,          11 I -- I would have to say what I said before, and          12 the answer's "no."</p> <p>13 Q Okay. My question was just -- just a          14 little bit different. Let's -- let's just go          15 back and look at Exhibit 9.</p> <p>16 Purdue's -- would you agree that Purdue          17 had a responsibility under the Controlled          18 Substances Act with respect to whether or not          19 there was suspicious orders generally going to          20 authorized -- its authorized distributors?</p> <p>21 A Yes.</p> <p>22 Q And did you perform that function? Was          23 that part of the OMS committee to look to see          24 whether there were suspicious orders generally to          25 the authorized distributors?</p>	<p style="text-align: right;">Page 145</p> <p>1 Object to form.</p> <p>2 A That's always been my understanding,          3 that --</p> <p>4 MR. GOLDMAN:          5 I think she was asking about your          6 current understanding.</p> <p>7 A I'm sorry. Could you repeat that? I'm          8 sorry. Yeah.</p> <p>9 MS. CONROY:          10 Q You can go ahead with your answer.</p> <p>11 A Yeah. Was it the responsibility of          12 wholesalers to report suspicious orders to DEA?</p> <p>13 Q Yes.</p> <p>14 A And my answer is when detected, yes.</p> <p>15 Q And part of what you were doing in the          16 OMS committee was to support Purdue's authorized          17 wholesalers or distributors in meeting their          18 requirements with respect to the Controlled          19 Substances Act?</p> <p>20 MR. GOLDMAN:          21 Object to form.</p> <p>22 MR. HOFFMAN:          23 Object to form.</p> <p>24 A Yes. We were -- we were supporting          25 them in conducting the due diligence that would</p>

<p style="text-align: right;">Page 146</p> <p>1 lead to whether or not they made a decision, yes.          2 So I...          3 MS. CONROY:          4 Q And you did that by keeping in close          5 contact with individuals at each of Purdue's          6 authorized distributors. Is that correct?          7 MS. SIDARTH:          8 Objection.          9 A I made regular contact with people in          10 the big three companies, H.D. Smith. There was a          11 company called Kinray in New York at that time,          12 other smaller companies. So my answer is "yes,"          13 I had many and routine conversations with          14 wholesale companies, yes, authorized          15 distributors.          16 MS. CONROY:          17 Q And those routine conversations, what          18 I'm talking about specifically in those routine          19 conversations was you were communicating with          20 them about problems you were seeing from the data          21 that was visible to Purdue about their retail          22 customers?          23 MR. HOFFMAN:          24 Object to form.          25 A That's certainly most of -- you know,</p>	<p style="text-align: right;">Page 148</p> <p>1 After that, there might be a very free          2 flow of information. But you would initiate 75          3 percent of the time. 25 percent of the time, an          4 authorized distributor might come back -- might          5 go initiate a conversation with you about a          6 problem area.          7 A That's correct.          8 Q And, when that was happening, was it          9 your goal to record those conversations in the          10 notes of the OMS database?          11 A As I mentioned earlier, that was the          12 goal, but I may not have been the best          13 recordkeeper.          14 Q We all suffer from that, but...          15 But that was your -- the goal of the          16 database was, at least, to have that note section          17 so that those conversations could be recorded and          18 that you would have that as some record of what          19 was happening for later conversations?          20 A That was the intent, yes.          21 Q Did -- I think you told me earlier --          22 Approximately how many authorized          23 distributors were there while you were at Purdue          24 of controlled substances?          25 A I think, when I was there, I think</p>
<p style="text-align: right;">Page 147</p> <p>1 most of it, but it could have worked the other          2 way, too.          3 MS. CONROY:          4 Q Right. They may have --          5 A Right.          6 Q -- called you and said --          7 A Right.          8 Q -- we think there's a problem with this          9 customer; what do you know about this customer?          10 A Could you help me understand this          11 and -- yes. I mean...          12 Q Give me a percentage. Which -- which          13 way did the information usually flow? From you          14 to the authorized distributors or from the          15 authorized distributors back?          16 MR. HOFFMAN:          17 Object to form.          18 A I really don't know how accurate it          19 would be, but I'd say 75/25, something like that.          20 MS. CONROY:          21 Q So you would initiate the conversation          22 75 percent of the time.          23 A Yes.          24 Q Okay. And -- and I'm not talking          25 about --</p>	<p style="text-align: right;">Page 149</p> <p>1 there were twenty.          2 Q And did they all have their own, as far          3 as you know, suspicious order monitoring          4 procedures or system?          5 A I believe that they did, but I -- I          6 wasn't necessarily familiar with the smallest of          7 them, you know, their system.          8 Q Were you familiar with the big three,          9 AmerisourceBergen, McKesson, and Cardinal?          10 A Yes.          11 Q And how did you become familiar with          12 their systems? What did -- what did you do to          13 learn about their systems?          14 A Well, let me clarify. I know that they          15 had systems.          16 Q Okay.          17 A Being the types of companies they are,          18 I just -- I know they're robust systems. I began          19 reaching out to those companies early on, early          20 2008. We also had formal meetings with those          21 companies beginning September 2008, I think. So          22 I've learned about those, you know,          23 through -- through that sort of activity,          24 conversations on the telephone and -- and          25 meetings.</p>

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1 Q Okay. Have you ever had access to any  
2 of the big three's suspicious order monitoring  
3 systems? Did anyone ever invite you in and show  
4 it to you or anything like that?  
5 A No.  
6 Q Have you ever seen any of the standard  
7 operating procedures for any of the big three  
8 suspicious order monitoring systems?  
9 MS. SIDARTH:  
10 Objection.  
11 A I don't think so. In my -- I don't  
12 believe so.  
13 MS. CONROY:  
14 Q It's your experience that tells you  
15 they had them, but you don't actually know for  
16 certain whether they had formal procedures. Is  
17 that correct?  
18 MR. HOFFMAN:  
19 Object to form.  
20 A I'd say that was a pretty educated  
21 feeling that I had.  
22 MS. CONROY:  
23 Q I didn't mean to suggest it wasn't.  
24 A From my experience.  
25 Q I just mean -- yeah. But --

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1 A Well, yeah.  
2 Q -- that's -- that's where that's coming  
3 from. You didn't -- you -- you haven't been to a  
4 conference and seen someone's protocols or  
5 anything like that. You just -- you, from  
6 conversations, you believe they had a suspicious  
7 order monitoring program?  
8 A And, again, from our meetings with  
9 them, I'm sure it was discussed.  
10 Q Okay. Do you know if the type of data,  
11 the fee for service data or the 867 data, if you  
12 want to call it that, do you know if their  
13 systems used that data? Do you know any -- you  
14 know, do you know that type of granular  
15 information?  
16 A It is their data. So, yes, they --  
17 they would use it.  
18 Q Do you know if they had any access  
19 to --  
20 Or let me strike that.  
21 Along with the FFS data that you used  
22 at Purdue, did you use --  
23 You mentioned reports of concern.  
24 Would you consider that data or something else?  
25 A Something else.

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1 Q Okay. So was -- was it a written  
2 report or do you know whether that was contained  
3 in some sort of a electronic form, ROCs, or  
4 reports of concern?  
5 A I was not part of that system, but they  
6 had a formal reporting system which was  
7 electronic. Right.  
8 Q And how is it --  
9 Is it Betsy Adams or Joan Zooper or  
10 someone else that would tell you, if you were  
11 looking at, for example, Pacifica Pharmacy in  
12 Huntington Beach, would you yourself ask, Hey,  
13 let me know if there are any ROCs out there for  
14 this pharmacy, or would somebody automatically  
15 supply that to you?  
16 A At the time, Betty Adams was -- that  
17 was automatically supplied.  
18 Q Okay. So you would -- you would -- you  
19 would -- you would know it existed because it  
20 would be provided to you?  
21 A Yes.  
22 Q What about -- what about the physicians  
23 who were -- the physicians who were prescribing  
24 and those prescriptions were being filled out of  
25 a pharmacy? Would you receive that kind of data?

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1 MR. GOLDMAN:  
2 Objection.  
3 A Not unless I asked for it.  
4 MS. CONROY:  
5 Q That data was available at Purdue;  
6 correct? If you asked for it, they could tell  
7 you whether or not -- they could tell you which  
8 physicians' prescriptions were being filled at  
9 which pharmacies?  
10 MR. HOFFMAN:  
11 Object to the form. Foundation.  
12 A I have to think about that.  
13 MS. CONROY:  
14 Q Okay.  
15 A They could tell you -- they had  
16 prescriber information. I don't believe that  
17 system shows where the prescriptions are filled.  
18 Q Do you know if the data that came back  
19 from the authorized distributors tracked whose  
20 prescription it was that was filled, who the  
21 physician was? Do you know one way or the other?  
22 A I don't know, but my -- again, through  
23 my experience, they didn't have that information.  
24 Q And why -- and why do you think they  
25 didn't?

<p style="text-align: right;">Page 154</p> <p>1 A From an IDT perspective, I've never          2 known those data streams to be joined up.          3 Q I understand the -- the not -- the          4 joining up. But do you know whether or not that          5 data was available? Do you know, for example, at          6 a pharmacy, whether there would be a record of          7 not only the dose and the number of pills but          8 also the name of the physician who prescribed the          9 pills?          10 MR. PYSER:          11 Object to form.          12 A I'm sorry. Available to who?          13 MS. CONROY:          14 Q To -- to the -- to the pharmacy and          15 then -- and --          16 A Well, the pharmacy would have that          17 information, sure.          18 Q Right.          19 And if the pharmacy had the          20 information, wouldn't the authorized wholesaler          21 or distributor have that information?          22 A No.          23 MR. PYSER:          24 Object to form.          25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 156</p> <p>1 manufacturers who want to purchase that          2 information. Normally it's for -- that -- that          3 resides in, you know, some part of the company          4 that's different than what we're talking about.          5 MS. CONROY:          6 Q Right.          7 A So --          8 Q Do you know if that data contains the          9 name of the pharmacy where the prescription was          10 filled?          11 A I believe it does not and it cannot.          12 That's my belief.          13 Q And why do you think it cannot?          14 A It's just -- I don't know how it would          15 be captured.          16 Q It would depend on who's capturing it,          17 though; correct?          18 A Right. That's true. But, again,          19 that's my -- my interpretation -- my          20 understanding.          21 Q Okay. And that's your understanding          22 with respect to Purdue, that that information,          23 that data, of what pharmacy filled which          24 physician's prescriptions was not available to          25 Purdue.</p>
<p style="text-align: right;">Page 155</p> <p>1 Object to form. Foundation.          2 THE WITNESS:          3 Sorry.          4 MS. CONROY:          5 Q Do you know one way or the other?          6 A We're talking about FF- -- FFS and 867          7 data, so my answer is no, they don't have it.          8 Q From Purdue; correct? You -- your          9 understanding is Purdue did not have that data.          10 A I'm sorry. Maybe I misunderstood you,          11 so let me be clear.          12 Q Okay. Let me ask again. Let me ask          13 again.          14 A Yeah.          15 Q If I -- if I wanted to know who the          16 physician was who prescribed a particular dose of          17 OxyContin, would I be able to determine that from          18 any data at Purdue, if you know?          19 MR. HOFFMAN:          20 Object to form.          21 A There is prescribing data available          22 that will show 12 months or 18 months of what          23 a -- what a -- what an individual prescriber          24 prescribed, what an individual doctor prescribes,          25 all substances, you know. So that's available to</p>	<p style="text-align: right;">Page 157</p> <p>1 A Right. So -- so let me think about          2 this for a second.          3 The company that provided that data          4 probably offers different buckets, shall I say,          5 of data that you could purchase. So I -- it was          6 not available in that format to Purdue.          7 Q Okay. Do you know one way or the other          8 whether that information was available to an          9 authorized distributor of Purdue?          10 MR. PYSER:          11 Objection.          12 MS. CONROY:          13 Q Do you know?          14 MR. PYSER:          15 Objection.          16 MR. HOFFMAN:          17 Form. Asked and answered.          18 A I don't know.          19 MS. CONROY:          20 Q Do you know the name of the vendor that          21 Purdue received or purchased that information          22 from, the prescribing information?          23 A At that time, it was IMS Health          24 Services, I -- I think. Then it merged to -- or          25 became Quintiles. And now it's -- it's right on</p>

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1 the bottom of -- I want to say --  
 2 Q I think it's IQVIA.  
 3 A Yeah. That's the company. It was IMS  
 4 when I was there.  
 5 Q Okay. And do you know one way or the  
 6 other whether or not, if Purdue had wanted to  
 7 purchase from IMS, or whatever it may have become  
 8 over the years, data with respect to which  
 9 pharmacy a physician filled -- a physician's  
 10 prescriptions were filled at, do you -- do you  
 11 even know if IMS or IQVIA collected that  
 12 information?  
 13 I -- I understand your testimony is  
 14 that Purdue didn't have it, but do you know if it  
 15 was available?  
 16 A I don't know, and I -- I -- I don't  
 17 believe it was.  
 18 Q And -- and why do you not believe it  
 19 was?  
 20 A That's kind of like the Holy Grail to  
 21 those of us who are trying to develop our  
 22 programs. If we could -- if we could merge the  
 23 852 and 867 and whatever -- 844 data with the  
 24 prescribing data and then, in a collaborative,  
 25 you know, relationship with the DEA, we'd have

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1 the Holy Grail, really. So that's why I said  
 2 that.  
 3 Q What about with a -- a company such as  
 4 CVS that's a distributor or wholesaler as well as  
 5 has the retail pharmacies? Do you have an  
 6 understanding whether or not they would have data  
 7 about who the prescriber was?  
 8 MR. PYSER:  
 9 Object to form.  
 10 MR. HOFFMAN:  
 11 Object to form.  
 12 A I'm -- I'm sorry. My attention was not  
 13 as good as it should be for the first part of  
 14 your question. I'm sorry.  
 15 MS. CONROY:  
 16 Q Sure.  
 17 I understood that what you told me was,  
 18 with respect to a Cardinal or a McKesson, you  
 19 don't believe -- you don't know for sure, but you  
 20 don't believe that they have that Holy Grail of  
 21 information where the -- who the -- where a  
 22 physician's prescription is actually filled.  
 23 Correct?  
 24 MR. PYSER:  
 25 Object to form.

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1 MS. SIDARTH:  
 2 Objection.  
 3 A That's my understanding.  
 4 MS. CONROY:  
 5 Q So my -- my next question is if you  
 6 have a distributor who also owns the retail  
 7 pharmacies, like a CVS or a Walgreens, do you  
 8 have an understanding whether or not they have  
 9 that information, they have data with respect to  
 10 which physician prescribed the pills to a  
 11 particular patient who was filling it at those  
 12 pharmacies?  
 13 A I don't think I'm the right person to  
 14 answer that, so I -- I'd say I don't know.  
 15 Q That's not anything you've ever looked  
 16 into?  
 17 A Right.  
 18 Q Has CVS or Walgreens or Walmart ever  
 19 been an authorized distributor for Purdue?  
 20 A I don't believe so.  
 21 Q Have they ever purchased pills from  
 22 Purdue? Do you know?  
 23 A In -- in -- in what way? Directly  
 24 or --  
 25 Q In any way, do you know?

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1 MS. CONWAY:  
 2 Object to form.  
 3 A I don't. But I don't know all the  
 4 arrangements that national accounts had, so I  
 5 don't know.  
 6 MS. CONROY:  
 7 Q Do you know if there were ever fee for  
 8 service agreements or something similar with CVS  
 9 or Walgreens or Walmart or Rite Aid?  
 10 MS. CONWAY:  
 11 Object to the form.  
 12 A I don't know. Not -- not in terms of  
 13 this I -- OMS committee. I don't know. I don't  
 14 think so.  
 15 MS. CONROY:  
 16 Q Did you ever share reports of concern  
 17 physically with any of Purdue's authorized  
 18 distributors?  
 19 A Report of concern?  
 20 Q Right. Did you ever --  
 21 A Right. Right.  
 22 Q Did you ever actually let them have it  
 23 as opposed to talk to them about it?  
 24 A I may have cut -- cut and pasted some  
 25 of it. I would -- I don't think I ever gave any



<p style="text-align: right;">Page 162</p> <p>1 of the people I talked to a -- a report          2 from -- that came from some other part of the          3 company. So --          4 But would I share what's in the report?          5 Yes.          6 Q Was there anything that you would not          7 share with a Purdue authorized distributor with          8 respect to suspicious orders? Is there anything          9 that you might have had or information you might          10 have had at Purdue that you felt you could not          11 tell the authorized distributor?          12 A No.          13 MR. HOFFMAN:          14 Objection.          15 A My recollection is we were a hundred          16 percent transparent. We would share everything.          17 MS. CONROY:          18 Q And --          19 A Unless it was -- something was omitted          20 by just personal mistake or something.          21 Q Yeah. I didn't mean that.          22 A Yeah.          23 Q I just meant that your goal was to let          24 the authorized distributor know everything you          25 knew or everything that the order monitoring</p>	<p style="text-align: right;">Page 164</p> <p>1 responsibility to record that if you learned that          2 there was a report to the DEA about a particular          3 pharmacy that Purdue supplied, the authorized          4 distributor?          5 A Mostly.          6 Q And how would --          7 Was there a particular place in the          8 database that would be made? Was there a box          9 that would be checked off, or was there -- or          10 would it -- would it just go into the notes          11 section?          12 A They had certain categories. One of          13 them was "complete, close, referred," as I          14 recall.          15 Q So would "referred" mean it went to the          16 DEA?          17 A Yes.          18 Q But at the time that Mr. Geraci spoke          19 to the DEA agents, would that have been          20 considered a referred, or was that just a          21 conversation that he had about the Las Vegas          22 pharmacies?          23 MR. HOFFMAN:          24 Object to form.          25 A I'm glad you brought that up, because I</p>
<p style="text-align: right;">Page 163</p> <p>1 committee learned about a suspicious order.          2 MR. HOFFMAN:          3 Object to form.          4 A If they wanted it, yes. You know, yes.          5 I -- I'd say, "We're discussing this. We have a          6 lot of information."          7 They may have said, "So do we."          8 But that would be the goal, to -- to          9 share it. Excuse me.          10 Q Did you ever ask any of Purdue's          11 authorized distributors to let you know, to let          12 Purdue know or the order monitoring committee, if          13 there was a report to the DEA?          14 A Yes. We -- we would ask that, or I          15 would ask that. Doesn't mean I asked for proof          16 of it. They could just tell me. Right.          17 Q But that was something you would -- you          18 would hope that they would tell you?          19 A Yes.          20 Q And would you report --          21 A If it involved our product, yeah.          22 Q Sure. And would you record that in          23 the -- in the database?          24 A Tried to. That was the goal. Yep.          25 Q And would that have been your</p>	<p style="text-align: right;">Page 165</p> <p>1 may have given the wrong impression before.          2 We talk to DEA all the time, and not          3 only myself. But he, as the new chief security          4 officer, he was assuming a more active role.          5 So case-by-case basis, referral,          6 discussion, "Can we help each other?" I --          7 You know, and, then, the more I thought          8 of it when I was trying to have my lunch, the --          9 the SOP said we -- we may discuss with the          10 wholesaler. I think I made it more of an          11 absolute, and it -- and it wasn't an absolute.          12 So we talked to DEA all the time,          13 and -- and the wholesaler may know about it or          14 may not. Was that a referral? It probably -- it          15 became a referral because I think he followed up          16 with a letter after his meeting. And, so, yes,          17 that was a referral.          18 Q And it was a referral because it was          19 something in writing that went to the DEA?          20 A That's my interpretation, yes.          21 Q Okay. And, so, in order for something          22 in the -- on the database -- in order for, we'll          23 call it, an investigation to be -- to be -- to          24 be -- to be marked as referred to the DEA, it has          25 to be something formal to the DEA, some -- a -- a</p>

<p style="text-align: right;">Page 166</p> <p>1 writing or something else that is considered more  2 than just a conversation with the DEA?  3 MR. HOFFMAN:  4 Object. Object to form.  5 A That's correct. But the referral might  6 actually reside from the wholesaler.  7 MS. CONROY:  8 Q And if it -- if it resided from the  9 wholesaler -- or it did. You told me the only  10 time was the one time with Mr. Geraci.  11 A Right.  12 Q So there are no other referrals from  13 Purdue to the DEA; correct?  14 MR. HOFFMAN:  15 Object to form. Foundation.  16 MS. CONROY:  17 Q At least while you were there.  18 A I -- I -- I may have made a mistake on  19 that. Okay?  20 So there was a time where other  21 referrals were made to DEA in 2011 that I can  22 remember, and this was a result of analysis of  23 six months' worth of data after OxyContin was  24 reformulated to become abuse- and  25 tamper-resistant sort of thing.</p>	<p style="text-align: right;">Page 168</p> <p>1 DEA?  2 A I didn't personally, so I -- I don't  3 know.  4 Q Who would have?  5 MR. HOFFMAN:  6 Object to form.  7 A Robin Abrams.  8 MS. CONROY:  9 Q Would it have been -- it was discussed  10 at the committee level, the OMS committee?  11 A It -- it probably was. It may not have  12 been unanimous.  13 Q Why do you say it may not have been  14 unanimous?  15 A Well, I -- I should not have said that.  16 I apologize. But...  17 Q Did you believe they should be  18 reported?  19 A It -- it -- it's tough for me to  20 give -- give a simple answer to that.  21 I had no problem with the report going  22 forward. You know, we tried to do our best, do  23 the right thing. And, you know, was the timing  24 the best? It -- it was good for some aspects.  25 We have now six months of real data that we could</p>
<p style="text-align: right;">Page 167</p> <p>1 So it was noted in the OMS system that  2 certain retail outlets became very, very reduced  3 in -- in what they were buying. And people on  4 the committee took that as an indication that  5 those pharmacies were eligible for referral right  6 then, if not -- if --  7 If we weren't talking about them  8 before, which I believe we were anyway, that data  9 would indicate that they should be referred as  10 suspicious.  11 So I was not involved in the actual  12 meeting that took place at DEA, but that -- it  13 was one sometime in April where -- I don't know  14 the exact number -- 150 pharmacies were referred,  15 something like that.  16 Q And those 150 pharmacies were  17 pharmacies whose OxyContin business greatly  18 decreased?  19 A That's correct.  20 Q And were those 150 pharmacies or  21 whatever the number is, did they have authorized  22 distributors?  23 A Yes.  24 Q And did you reach agreement with the  25 authorized distributor before you reported to the</p>	<p style="text-align: right;">Page 169</p> <p>1 show.  2 Q Did you believe it could have been  3 reported earlier, when you were seeing the high  4 volume of OxyContin?  5 MR. HOFFMAN:  6 Object to form.  7 A I believe we were doing our best to get  8 to that point. Right. And many of them may have  9 been by the wholesaler. I don't know.  10 MS. CONROY:  11 Q You don't know. Many of those  12 pharmacies, during the period of time with the  13 high volume when you were communicating with the  14 authorized distributors, it's possible that  15 those -- some of those distributors reported to  16 the DEA, correct, reported those pharmacies to  17 the DEA?  18 A It's possible.  19 MR. HOFFMAN:  20 Objection.  21 MS. SIDARTH:  22 Objection.  23 MS. CONROY:  24 Q You don't --  25 THE WITNESS:</p>

<p style="text-align: right;">Page 170</p> <p>1 Sorry.</p> <p>2 MS. CONROY:</p> <p>3 Q You don't know one --</p> <p>4 A I don't know.</p> <p>5 Q -- way or the other?</p> <p>6 A No.</p> <p>7 Q But it is true that when the OxyContin</p> <p>8 business vastly decreased, Purdue made a</p> <p>9 decision, at least at the OMS committee level, to</p> <p>10 report those pharmacies to the DEA; correct?</p> <p>11 MR. HOFFMAN:</p> <p>12 Object to the form.</p> <p>13 A A decision was made. Whether or not it</p> <p>14 was made from the point of view of suspicious</p> <p>15 order monitoring primarily or "This is how good</p> <p>16 our -- our reformulated product is working from</p> <p>17 an abuse standpoint."</p> <p>18 So, secondarily, the fact that these</p> <p>19 particular pharmacies went from here to here may</p> <p>20 have been an indication to some people that they</p> <p>21 were suspicious and should be looked at. Right.</p> <p>22 MS. CONROY:</p> <p>23 Q And, if I understand what you're</p> <p>24 telling me correctly, those pharmacies had been</p> <p>25 suspicious for some time because of the high</p>	<p style="text-align: right;">Page 172</p> <p>1 A We only have so much time.</p> <p>2 Q It was the delta that triggered the</p> <p>3 reporting, then, the delta between the high</p> <p>4 prescribing and the low prescribing of the -- of</p> <p>5 the reformulated OxyContin.</p> <p>6 MR. HOFFMAN:</p> <p>7 Object to the form as to prescribing.</p> <p>8 MR. GOLDMAN:</p> <p>9 Objection.</p> <p>10 A It was the percentage change.</p> <p>11 It wasn't that they were a -- a -- a</p> <p>12 suspiciously high-volume pharmacy, necessarily,</p> <p>13 but once the reformulation happened, it went</p> <p>14 down.</p> <p>15 MS. CONROY:</p> <p>16 Q Right. And, so, the -- the decision</p> <p>17 was made to report those to the DEA. And, in</p> <p>18 part, that was to tout the benefit or potentially</p> <p>19 tout the benefit of the reformulated --</p> <p>20 A Yes.</p> <p>21 MS. CONROY:</p> <p>22 Q -- OxyContin?</p> <p>23 MR. HOFFMAN:</p> <p>24 Object to form.</p> <p>25 A That was my understanding.</p>
<p style="text-align: right;">Page 171</p> <p>1 number of OxyContin before the reformulation.</p> <p>2 MR. HOFFMAN:</p> <p>3 Objection.</p> <p>4 MR. GOLDMAN:</p> <p>5 Objection.</p> <p>6 MS. CONROY:</p> <p>7 Q As far as you know.</p> <p>8 MR. HOFFMAN:</p> <p>9 Object to form. Foundation.</p> <p>10 A I -- I have a problem with the way you</p> <p>11 describe it, only because I'm not an expert with</p> <p>12 data.</p> <p>13 A lot of those pharmacies may never</p> <p>14 have ever appeared on anything that I looked at</p> <p>15 because their volumes were so low. But</p> <p>16 percentage-wise, did it go from 90 percent to 20</p> <p>17 percent? Yes. If that's what you're talking</p> <p>18 about.</p> <p>19 But I, myself, I'm interested in</p> <p>20 volume, period, as a first indicator. And -- and</p> <p>21 the volume of those stores may not have been</p> <p>22 anything that I was interested in speaking to a</p> <p>23 wholesaler about.</p> <p>24 MS. CONROY:</p> <p>25 Q Right.</p>	<p style="text-align: right;">Page 173</p> <p>1 MS. CONROY:</p> <p>2 Q Did Robin Abrams make the decision to</p> <p>3 report those pharmacies to the DEA?</p> <p>4 A Yes.</p> <p>5 Q And do you know if she made that</p> <p>6 decision with input from the committee, or was it</p> <p>7 a separate decision?</p> <p>8 MR. HOFFMAN:</p> <p>9 Object to form. Asked and answered.</p> <p>10 A I -- I think it was discussed,</p> <p>11 certainly with -- yeah, with each member of the</p> <p>12 committee. Right.</p> <p>13 MS. CONROY:</p> <p>14 Q I take it you were not supportive of</p> <p>15 reporting. You didn't have a -- you didn't -- it</p> <p>16 didn't bother you that they got reported, I take</p> <p>17 it, but you weren't supportive of the reason for</p> <p>18 it?</p> <p>19 MR. HOFFMAN:</p> <p>20 Objection. Form.</p> <p>21 A I didn't know how it would be received</p> <p>22 by DEA. So I don't think it was accurate to say</p> <p>23 I was not in favor. I was just skeptical</p> <p>24 that -- that it would be received in the -- in</p> <p>25 the way it was intended. That's all.</p>

<p style="text-align: right;">Page 174</p> <p>1 MS. CONROY:          2 Q And did you get any feedback from any          3 of Purdue's authorized distributors with respect          4 to that reporting?          5 A Not that I recall.          6 Q And that was a --          7 Did -- did Miss Abrams go to the DEA to          8 report those pharmacies?          9 A Yes.          10 Q And do you know which office she went          11 to?          12 A She went to the Office of Diversion          13 Control, which was headed up by Joel Rannazzisi,          14 and spoke to some of the staff members there.          15 Q In DC?          16 A Yes. They're actually located in --          17 Q Virginia?          18 A Yes. Pentagon City, yeah.          19 Q And did anyone accompany her?          20 A I believe Giselle Issa.          21 Q You didn't go?          22 A I did not go.          23 Q And Mr. Seid didn't go, as far as          24 you know?          25 A As far as I know, did not.</p>	<p style="text-align: right;">Page 176</p> <p>1 Q -- national accounts side of the house?          2 A Right. National accounts would be the          3 relationship with the authorized distributors.          4 You're correct.          5 I -- I really don't know how it came to          6 that. I just know he -- he had the capability of          7 doing that. I didn't know how he specifically          8 got that information.          9 Q Okay. And, then, where you see Luis          10 Bauza did a public records search, I assume he          11 did that on his computer or something like that?          12 A My understanding, yes.          13 Q Then the field sales force input,          14 that's the ROCs that are listed here.          15 Those -- those are from the sales side of the          16 house; correct?          17 A Yes.          18 Q "Savings card information," what --          19 what does that mean?          20 A I'm probably not the right person to          21 answer that question. I -- I didn't pay that          22 much attention to it, personally. But I know          23 that the company ordered -- I mean offered          24 savings cards for people who financially needed          25 it, I think. Yeah.</p>
<p style="text-align: right;">Page 175</p> <p>1 Q And Luis Bauza didn't go?          2 A Did not.          3 Q And Mr. Geraci didn't go?          4 A Did not.          5 Q And this, if we continue on Exhibit 8,          6 there's national -- it says, "National accounts          7 input, October" -- it's on the second          8 page -- "October 27, 2010, report from Steve          9 Seid. Modern store. Near a medical group.          10 Still orders significant product but for weeks          11 all reformulated. Decent product mix. Doesn't          12 appear to be an issue."          13 Do you see that?          14 A Yes.          15 Q Do you know where that information is          16 coming from? I know it comes from a report from          17 Steve Seid, but do you know how he knows it's a          18 modern store and that it's near a medical group?          19 A I -- I believe some of that would have          20 to come from the sales side of the house. He          21 would --          22 Q Let me just --          23 Sales side of the house is the sales          24 reps, that area, not the -- not the --          25 A Correct.</p>	<p style="text-align: right;">Page 177</p> <p>1 Q Okay. Is that anything you ever looked          2 at?          3 A No, not -- not personally, no.          4 Q You see it says, in that first bullet          5 point, "Savings card utilization reports indicate          6 that the following Region 0 prescribers had          7 prescriptions filled by Prescription [sic] Side          8 Pharmacy in March, April, and May but not in          9 June, July, and August."          10 Do you see that?          11 A Yes.          12 Q And what's a Region 0 prescriber? Do          13 you know?          14 A Region 0 is a -- was a category that          15 the company used to describe physicians that the          16 sales force was not allowed to speak to those          17 physicians.          18 Q Okay.          19 A The company did not want its product --          20 they didn't want those physicians visited by          21 anybody from Purdue.          22 Q There was no prohibition of any of          23 those physicians on Region 0 to prescribe a          24 Purdue product; correct?          25 MR. HOFFMAN:</p>

<p style="text-align: right;">Page 178</p> <p>1 Object to form.</p> <p>2 A My understanding was there's no</p> <p>3 mechanism to -- to do that. So that's correct.</p> <p>4 MS. CONROY:</p> <p>5 Q Okay. And then it says the savings</p> <p>6 card utilization reports --</p> <p>7 Those are reports that are available to</p> <p>8 Purdue. Correct?</p> <p>9 A I think so.</p> <p>10 Q Okay. It says that those reports</p> <p>11 indicate that the following prescribers -- and</p> <p>12 all of those prescribers are listed here in this</p> <p>13 bullet point -- had prescriptions filled by The</p> <p>14 Pacific Side Pharmacy. Do you see that?</p> <p>15 A Yes.</p> <p>16 Q So that would -- that would indicate,</p> <p>17 wouldn't it, that Purdue did have information</p> <p>18 about where prescribers' prescriptions were</p> <p>19 filled?</p> <p>20 MR. HOFFMAN:</p> <p>21 Object to form.</p> <p>22 A I wouldn't say that data was absolutely</p> <p>23 available. It had to be sought out.</p> <p>24 MS. CONROY:</p> <p>25 Q Okay. But a few moments ago you told</p>	<p style="text-align: right;">Page 180</p> <p>1 know?</p> <p>2 A She could have pulled that off of the</p> <p>3 OMS system under the remarks section or an email</p> <p>4 or both.</p> <p>5 Q Did she have -- did Betsy have access</p> <p>6 to your email? Could she go in and, you know,</p> <p>7 search for any conversations, email conversations</p> <p>8 you had with H.D. Smith or a particular person,</p> <p>9 or would you have to forward those to her?</p> <p>10 A I'd have to forward them.</p> <p>11 Q And here where you see on the third</p> <p>12 paragraph, it says, "H.D. Smith had made an</p> <p>13 adjustment to the account's threshold. Jack</p> <p>14 traded information concerning Dr. Siew as well as</p> <p>15 other prescribers in the area."</p> <p>16 Do you see that?</p> <p>17 A I'm sorry. I heard you. I'm still</p> <p>18 trying to find it.</p> <p>19 Q Oh. Sorry. The bottom -- see there</p> <p>20 under your -- the wholesaler input section?</p> <p>21 A Yes.</p> <p>22 Q The third paragraph --</p> <p>23 A Oh, okay.</p> <p>24 Q -- of that very last sentence where it</p> <p>25 says, "H.D. Smith had made an adjustment to the</p>
<p style="text-align: right;">Page 179</p> <p>1 me that Purdue did not have that data. And I'm</p> <p>2 not -- I'm not discussing whether it was</p> <p>3 difficult to get or how much there was of it or</p> <p>4 anything like that.</p> <p>5 A No. I understand. And I'm not trying</p> <p>6 to be -- hold anything back.</p> <p>7 Q Right. But would this indicate to you</p> <p>8 that, at least in some -- under some</p> <p>9 circumstances, it was possible for Purdue to see</p> <p>10 where certain prescribers' prescriptions were</p> <p>11 filled?</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to form.</p> <p>14 A In -- in some circumstances, Purdue</p> <p>15 could see where prescriptions written by some</p> <p>16 doctors -- why -- why some prescriptions written</p> <p>17 by some doctors were filled.</p> <p>18 MS. CONROY:</p> <p>19 Q Then we have here wholesaler input, and</p> <p>20 it says that you spoke with George Euson of</p> <p>21 H.D. Smith concerning LA area scams. And</p> <p>22 this -- this text, would Betsy Adams have written</p> <p>23 this up? Would she have pulled this off of the</p> <p>24 notes section of the database? Would you have</p> <p>25 typed something up and given it to her or do you</p>	<p style="text-align: right;">Page 181</p> <p>1 account's threshold. Jack traded information</p> <p>2 concerning Dr. Siew as well as other prescribers</p> <p>3 in the area."</p> <p>4 Do you see that --</p> <p>5 A Yes.</p> <p>6 Q -- sentence?</p> <p>7 And would it -- would it be fair to say</p> <p>8 that it was a consequence of your conversations,</p> <p>9 in part, with George Euson at H.D. Smith that</p> <p>10 adjustments were made to the -- to the</p> <p>11 pharmacies -- to the Pacifica Pharmacy's</p> <p>12 threshold at H.D. Smith?</p> <p>13 A We had routine conversations. On this</p> <p>14 case-by-case basis, I don't know. He was a very</p> <p>15 aggressive person in this regard, so he -- in</p> <p>16 this case, he may well have reduced that</p> <p>17 threshold before we had that conversation.</p> <p>18 Q I see.</p> <p>19 A But -- but it -- it could be that it</p> <p>20 was as a result, but he -- he was -- was quite</p> <p>21 capable of acting independently.</p> <p>22 Q Okay. So he may have done it on his</p> <p>23 own.</p> <p>24 A Yes.</p> <p>25 Q Or he may have been reinforced by</p>



<p style="text-align: right;">Page 182</p> <p>1 something you told him or maybe you told him in          2 the first case?          3 A That's correct.          4 Q Where it says "further investigative --          5 investigatory activity," it says that -- you          6 know, the square footage of the store, et cetera,          7 do you know where that information comes from,          8 who would -- who would find that out?          9 A I -- again, Betsy Adams was the          10 director for -- I don't know -- about a year, and          11 she was very good at pulling data from any number          12 of sources. I think she would have put that in.          13 Where she got it, I don't know.          14 Q Okay. A document like Exhibit 8, a          15 report to the OMS team, if you were having a          16 committee meeting, is this -- would this be a          17 sort of report that you would discuss at the          18 meeting?          19 A It -- it would be discussed. The          20 general object was that the members would have          21 read this before the meeting, and then a          22 discussion as time was allotted, available.          23 Q Okay. And would there be -- would          24 someone put together a packet of everything that          25 you needed to review before the committee</p>	<p style="text-align: right;">Page 184</p> <p>1 Q So, while you were there, you would          2 have -- you would have had to ask somebody, say          3 "Do we have a report on Pacifica," or something          4 like that?          5 A Yes.          6 Q Could you search -- could you search          7 the database? Could you put in "Pacifica" to see          8 if anyone else had submitted any notes or if it          9 showed up anywhere?          10 A Not -- not from the OMS system, no.          11 Q It was not searchable?          12 A Not searchable for additional          13 information from other sources. Right.          14 Q How about for -- could you search to          15 see if you wanted to know about whether anyone          16 else had put anything in the notes section with          17 the word "Pacifica"? Could you search          18 "Pacifica"?          19 A I don't think so. So my answer would          20 be no, that I don't think so. But...          21 Q And if you wanted a -- a report          22 concerning a pharmacy such as Exhibit 8, who is          23 it that you would have asked for it?          24 A I'm sorry. If I wanted the -- the          25 report?</p>
<p style="text-align: right;">Page 183</p> <p>1 meeting?          2 A That began to happen at around -- you          3 know, in this time, yep.          4 Q And who was responsible for creating          5 the material to be viewed -- reviewed or the          6 agenda for the committee meeting?          7 A The agenda was controlled by          8 Betsy Adams or Giselle Issa, with input from          9 everyone else.          10 Q Okay. And, then, would it follow,          11 then, that Betsy or Giselle would collect all the          12 materials that would be necessary to have          13 everybody up to speed on the topics on the          14 agenda?          15 A Yes.          16 Q Where -- this report to the OMS team,          17 did you have sort of a share point or some sort          18 of document system at Purdue where, if you wanted          19 to look at this OMS report, you could see it?          20 A Well, that's what I alluded to earlier.          21 We were trying to develop a share point. I don't          22 think we ever got there while -- while I was          23 there.          24 Q Okay.          25 A That was the intention.</p>	<p style="text-align: right;">Page 185</p> <p>1 Q If you wanted to actually get a copy of          2 the report, who would you -- and I'm talking          3 about not -- I know it would be supplied to you          4 by Betsy or someone --          5 A Right.          6 Q -- in advance of the meeting. But if          7 you were going to be getting on the phone, for          8 example, with George Euson and you knew that this          9 report existed and you said, Oh, I'd really like          10 to see a copy of that report, could you call it          11 up on your computer or would you have asked your          12 assistant, Hey, get me a copy of the report? How          13 would -- how would you do it?          14 A I could not call it up on my system          15 while I was there. It's possible I could have          16 asked someone else to get a report.          17 Q Do you know who that would have been?          18 A Betsy Adams or Giselle, Giselle Issa.          19 Q You can put that exhibit away.          20 MR. HOFFMAN:          21 Good time for a break, Jayne?          22 MS. CONROY:          23 Sure.          24 Want a break?          25 THE WITNESS:</p>

<p style="text-align: right;">Page 186</p> <p>1 I -- I should probably take every  2 opportunity.  3 MS. CONROY:  4 You should. That's a -- yeah. I'll be  5 your counsel on that. Yes.  6 VIDEOGRAPHER:  7 We are now going off the video record.  8 The time is currently 2:14 p.m. This is the end  9 of media number 3.  10 (OFF THE RECORD.)  11 VIDEOGRAPHER:  12 We are now back on the video record  13 with the beginning of media number 4. The time  14 is currently 2:39 p.m.  15 MS. CONROY:  16 Q Mr. Crowley, can you expound for me how  17 knowledge of who the prescriber is and where his  18 or her patients are filling their prescriptions  19 would be the Holy Grail to the DEA?  20 A I probably should have reworded that.  21 Could be the gateway to the Holy Grail.  22 But to -- to understand where  23 prescriptions come from, shall I say, someone has  24 to -- someone has to be on a location. There has  25 to be some kind of a knowledge of -- of the</p>	<p style="text-align: right;">Page 188</p> <p>1 Purdue has a list of Region 0  2 physicians that they will not allow their sales  3 force to call on, correct?  4 A That's my understanding, yes.  5 Q And what is your understanding of -- of  6 the reason why those physicians are on  7 Region 0 -- a Region 0 list?  8 A Would have resulted from a process, a  9 report of concern -- and there was a separate  10 committee for -- for that -- determined that the  11 company no longer wanted to be associated in any  12 way with that prescriber, and the best way for  13 them to do that was to prohibit any salesperson  14 from visiting that -- that doctor. And, so, they  15 put it into something they called Region 0.  16 Q And if it could be identified where  17 those Region 0 patients are filling  18 prescriptions, is it your understanding that that  19 would have been helpful to you in identifying  20 suspicious orders or pharmacies who were filling  21 suspicious orders?  22 MR. HOFFMAN:  23 Sorry. You said Region 0 patients.  24 You might have meant prescribers.  25 MS. CONROY:</p>
<p style="text-align: right;">Page 187</p> <p>1 geographical location, who the prescribers are.  2 You have to ask the pharmacist, "Who's writing  3 these prescriptions?" You -- you can't -- you  4 can't see that in data. That's all I meant. I  5 mean, if you -- you know, it would have been  6 quite helpful.  7 Q And helpful in what way?  8 A Application of your resources to  9 conduct further due diligence. It would be more  10 efficient use of time if you knew which four or  11 five doctors were more interesting than the other  12 30 or 40 that were writing prescriptions that  13 were filled at that pharmacy.  14 Q And -- well, I didn't mean to --  15 A Well, you know, there's not much else  16 to say except efficiency.  17 Q Would it also help to identify problem  18 pharmacies in a different way than just looking  19 at, for example, volume or whether it's a cash  20 sale or something else?  21 MR. HOFFMAN:  22 Object to form.  23 A It -- it -- it might.  24 MS. CONROY:  25 Q And, by way of example, if you were --</p>	<p style="text-align: right;">Page 189</p> <p>1 Q I'm sorry. I did mean prescribers.  2 Do you want me to repeat that, maybe  3 repeat that?  4 A Please. Please.  5 Q So if it could be identified where  6 Region 0 prescribers' patients are filling their  7 prescriptions, is it your understanding that  8 would have been helpful to you in identifying  9 either suspicious orders or pharmacies that were  10 more likely to be filling suspicious orders?  11 MR. HOFFMAN:  12 Object to form.  13 A In my role as a member of the order  14 monitoring system, that certainly could be  15 helpful as one source of information that would  16 be interesting to me, yes.  17 MS. CONROY:  18 Q Would you agree that a Region 0's  19 physician's prescriptions are suspicious? It's  20 the reason they're on Region 0 list; right?  21 MR. GOLDMAN:  22 Objection.  23 Go ahead.  24 A I -- my understanding would be that  25 there's something there, so it would rise to the</p>

<p style="text-align: right;">Page 190</p> <p>1 level of suspicious. Right.</p> <p>2 MS. CONROY:</p> <p>3 Q And if -- if you had had that</p> <p>4 information, if you knew where the Region 0</p> <p>5 prescribers -- physicians were -- where their</p> <p>6 patients were filling their prescriptions, would</p> <p>7 those pharmacies have been some of the pharmacies</p> <p>8 on your list, like the high-volume pharmacies?</p> <p>9 MR. HOFFMAN:</p> <p>10 Object to form.</p> <p>11 A I'm sorry. Would it have been helpful?</p> <p>12 MS. CONROY:</p> <p>13 Q No. Would you have -- would you have</p> <p>14 looked into those pharmacies as well?</p> <p>15 You told me earlier that you would look</p> <p>16 at the high-volume pharmacies.</p> <p>17 A Right.</p> <p>18 Q That was sort of your process.</p> <p>19 If you also knew which pharmacies --</p> <p>20 A I see.</p> <p>21 Q -- were filling Region 0 physicians'</p> <p>22 prescriptions, would you have included those</p> <p>23 pharmacies on your list of pharmacies to</p> <p>24 investigate?</p> <p>25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 192</p> <p>1 Adams [sic] from 2009 to 2010, or was Robin out</p> <p>2 of the picture while Betsy was there?</p> <p>3 A Abrams?</p> <p>4 Q Abrams. I'm sorry.</p> <p>5 A She worked for Betsy -- I mean she</p> <p>6 worked for Robin Abrams, yes.</p> <p>7 Q Betsy Adams worked for Robin Abrams.</p> <p>8 A That's correct.</p> <p>9 Q Okay. And then Betsy left. Did anyone</p> <p>10 take Betsy's place?</p> <p>11 A Yes. That was Giselle Issa.</p> <p>12 Q And did Giselle Issa have the same</p> <p>13 desire as Betsy Adams, so far as you know, to</p> <p>14 merge different data among the company?</p> <p>15 A May have had the same desire. I don't</p> <p>16 know that she succeeded to that level. Yeah.</p> <p>17 Q Is Giselle Issa a lawyer?</p> <p>18 A She is not, no. She's a Certified</p> <p>19 Public Accountant.</p> <p>20 Q And what about Betsy Adams? Is she</p> <p>21 a --</p> <p>22 A Attorney.</p> <p>23 Q And she was located in Stamford?</p> <p>24 A Yes.</p> <p>25 Q And -- and Giselle Issa was</p>
<p style="text-align: right;">Page 191</p> <p>1 Object to form.</p> <p>2 A Under Betsy Adams' leadership, that's</p> <p>3 where they were moving. They were moving in that</p> <p>4 direction. She wanted to include all the</p> <p>5 information that -- that was available different</p> <p>6 places in the company.</p> <p>7 MS. CONROY:</p> <p>8 Q And when you say Betsy Adams'</p> <p>9 leadership, when was -- when was that?</p> <p>10 A 2009 and maybe --</p> <p>11 What's the date on this? Can I look at</p> <p>12 that?</p> <p>13 Q Oh, yeah. Sure.</p> <p>14 A -- through two thousand and -- through</p> <p>15 2010.</p> <p>16 Q And was she -- did -- did she leave at</p> <p>17 some point?</p> <p>18 A Yes.</p> <p>19 Q And did she leave in 2010?</p> <p>20 A I -- I'm sorry. I don't really know</p> <p>21 exactly when.</p> <p>22 Q Okay. Do you -- do you know where she</p> <p>23 is now?</p> <p>24 A No.</p> <p>25 Q Okay. Was -- did she work with Robin</p>	<p style="text-align: right;">Page 193</p> <p>1 headquartered in -- in Stamford as well?</p> <p>2 A Yes.</p> <p>3 Q Do you know where Robin Abrams is now?</p> <p>4 A Not specifically, no.</p> <p>5 Q Do you know generally where she is?</p> <p>6 A I was aware that she had moved to a new</p> <p>7 position in a new company, but I -- I really</p> <p>8 cannot remember what it was.</p> <p>9 Q Did she -- is she in a new company as</p> <p>10 a -- as counsel? Did she move -- is the</p> <p>11 position?</p> <p>12 A Yes, I believe so.</p> <p>13 Q Do you know if she moved -- moved out</p> <p>14 of Connecticut?</p> <p>15 A You mean her residence?</p> <p>16 Q Well, I -- I -- you may not know that,</p> <p>17 but do you know if the new company is in</p> <p>18 Connecticut or her office is in Connecticut?</p> <p>19 A I think it's in New York City. I --</p> <p>20 Q You don't know the name of the company?</p> <p>21 A I don't recall. I'm sorry. No.</p> <p>22 Q Is she anyone that you have -- is she</p> <p>23 anyone that you see at conferences or anything?</p> <p>24 A No.</p> <p>25 Q Have you kept up with Betsy Adams at</p>

<p style="text-align: right;">Page 194</p> <p>1 all?</p> <p>2 A No.</p> <p>3 Q Let me give you what I've marked as</p> <p>4 Exhibit 5.</p> <p>5 (CROWLEY EXHIBIT NUMBER 5</p> <p>6 WAS MARKED FOR IDENTIFICATION.)</p> <p>7 MS. CONROY:</p> <p>8 Q The top one's yours and then copies.</p> <p>9 Exhibit 5 is LA Times article dated</p> <p>10 July 10th, 2016. It's several pages long, 16</p> <p>11 pages -- 16 pages long.</p> <p>12 You are familiar with this article,</p> <p>13 correct, Mr. Crowley?</p> <p>14 A Correct.</p> <p>15 Q And, prior to this article publication,</p> <p>16 you were interviewed; is that correct?</p> <p>17 A Yes.</p> <p>18 Q And were you interviewed -- were you</p> <p>19 interviewed by the authors, Harriet Ryan, Lisa</p> <p>20 Girion, and Scott Glover?</p> <p>21 A Scott Glover and Lisa Girion.</p> <p>22 Not Harriet. Well, was not interviewed initially</p> <p>23 by Harriet Ryan.</p> <p>24 Q Okay. And were the interviews face to</p> <p>25 face or over the telephone?</p>	<p style="text-align: right;">Page 196</p> <p>1 A They -- Lisa Girion and Scott Glover</p> <p>2 showed up, unbeknownst to me -- and the</p> <p>3 conference was at a well-attended group of</p> <p>4 administrators of dental practices -- and created</p> <p>5 kind of a commotion at the registration desk.</p> <p>6 So once I found that out as I was</p> <p>7 coming in, I said, "Well, come on, let's just go</p> <p>8 off to the side here and -- and see what we</p> <p>9 could -- what we could do."</p> <p>10 I had no intention of speaking to them</p> <p>11 until they showed up like that.</p> <p>12 Q Okay. Why were you at a conference</p> <p>13 concerning the administration of dental</p> <p>14 practices?</p> <p>15 A I was doing consulting work for the</p> <p>16 company that was the primary wholesaler</p> <p>17 for -- for their medication.</p> <p>18 Q And what kind of medications?</p> <p>19 A Oral surgery. So it would be conscious</p> <p>20 sedation type drugs.</p> <p>21 Q Okay. And what was the name of -- of</p> <p>22 that primary wholesaler?</p> <p>23 A Southern -- Southern Anesthesia</p> <p>24 Company.</p> <p>25 Q And were you doing consulting work for</p>
<p style="text-align: right;">Page 195</p> <p>1 A Face to face.</p> <p>2 Q And how many were there?</p> <p>3 A Two.</p> <p>4 Q And how long did they last?</p> <p>5 A Hour.</p> <p>6 Q An hour each?</p> <p>7 A Probably.</p> <p>8 Q Did they come to see you?</p> <p>9 A Yes.</p> <p>10 Q Okay. And where did they see you?</p> <p>11 A They saw me at a conference that I was</p> <p>12 making a presentation in San Diego, and they,</p> <p>13 because some things needed to be clarified, they</p> <p>14 flew to South Carolina.</p> <p>15 Q For the second meeting.</p> <p>16 A Yes.</p> <p>17 Q Okay. And for what reason were you in</p> <p>18 South Carolina?</p> <p>19 A That's where I lived at the time.</p> <p>20 Yeah.</p> <p>21 Q Okay. And what prompted --</p> <p>22 Was -- was the first -- the first</p> <p>23 interview was in San Diego?</p> <p>24 A Yes.</p> <p>25 Q And what prompted that interview?</p>	<p style="text-align: right;">Page 197</p> <p>1 them?</p> <p>2 A Certain projects, yes. Limited. I</p> <p>3 mean, not -- it wasn't an ongoing thing. It was</p> <p>4 a -- certain projects.</p> <p>5 Q I don't think -- that wasn't -- you</p> <p>6 would add that to the list, what we were talking</p> <p>7 about this morning?</p> <p>8 A Yes.</p> <p>9 Q Okay. And you were not presenting --</p> <p>10 is that what you said? -- at -- at this</p> <p>11 conference?</p> <p>12 A I was.</p> <p>13 Q Or you were presenting.</p> <p>14 A Yes.</p> <p>15 Q And what were you presenting on?</p> <p>16 A What -- what -- how the staff should</p> <p>17 properly handle a DEA unannounced inspection.</p> <p>18 Q Staff of -- of what --</p> <p>19 A Dental -- dental office.</p> <p>20 Q Okay.</p> <p>21 A Right.</p> <p>22 Q Had you yourself -- this is just a</p> <p>23 general question. Had you ever inspected a</p> <p>24 dental office?</p> <p>25 A Yes.</p>

<p style="text-align: right;">Page 198</p> <p>1 Q And did you -- did you present a 2 PowerPoint as well? 3 A Yes. 4 Q And what kind of a commotion did 5 the -- did Mr. Glover and Mrs. -- and Ms. Girion 6 create? 7 A I can only go on secondhand reports. 8 They wanted to enter the conference and -- and 9 listen to my presentation. They were not allowed 10 entrance, making demands and whatnot. 11 Q So they were -- they were interested in 12 you -- 13 A It upset the people at the registration 14 desk. 15 Q Okay. 16 A Yeah. 17 Q And they were interested in you, 18 not the -- not the dental practice. 19 A I would say that's right. 20 Q Okay. And, so, you agreed to speak 21 with them? 22 A Yes. 23 Q Did you speak with them before you 24 presented? 25 A They contacted me a couple of times by</p>	<p style="text-align: right;">Page 200</p> <p>1 they hand you anything? How did the interview 2 go? 3 A They asked me about certain individual 4 practitioners, I think, in the Los Angeles area, 5 is my recollection, and must have gotten into my 6 duties or whatever. 7 But I -- I probably felt that I had 8 kind of a unique perspective that might help them 9 understand supply chain issues and so forth. 10 Q And when -- the article was published 11 in July of 2016. When do you think this first 12 interview took place? 13 A 2014. 14 Q Okay. What time of year? Do you know? 15 A April. 16 Q And then there was a second interview 17 in South Carolina? 18 A Yes. 19 Q Okay. And when was that? 20 A I think it was still springtime. I 21 think it was still probably a month later, May. 22 Q So May of 2014? 23 A I don't think it was a year later. I 24 think it was a month later. So... 25 Q Okay. And what were they looking, if</p>
<p style="text-align: right;">Page 199</p> <p>1 email, and I said was not interested. 2 Q And that was -- that was after they 3 created the commotion? 4 A Oh, no. That would have been before. 5 Q Before. I see. 6 A Right. 7 Q And then they showed -- they were in 8 California, and they showed up because you were 9 there in San Diego? 10 A Right. 11 Q Do you know how they found out you were 12 gonna be there? 13 A Not really. 14 Q Okay. So, then, what -- then what 15 happened? How did you come to actually be 16 interviewed by them? 17 A We -- we sat out -- this was at the 18 Marriott on Coronado Island, I think it was, in 19 San Diego. So there might have been an area out 20 back of the conference area. Sat there. 21 Q And did they record you? Do you know? 22 A I don't think -- I don't know. I don't 23 remember. 24 Q Okay. And what happened? Did they ask 25 you questions? Did they have set questions? Did</p>	<p style="text-align: right;">Page 201</p> <p>1 you can recall, for clarification in the South 2 Carolina meeting? 3 A I emphasized several times that I 4 wanted to be quoted 100 percent accurately. I 5 didn't want to be cherry-picked or anything like 6 that. So accuracy, I guess, is what. 7 Q And -- and do you believe that they did 8 quote you accurately in the article when it was 9 published? 10 A No. 11 Q And did you have an understanding -- 12 did you believe, at least in 2014, based on your 13 conversations with them, that your quotes were 14 accurate? 15 A I didn't know what my quotes would be 16 at that point. 2014? 17 Q Yeah. 18 So when they -- 19 They didn't -- they didn't show you 20 anything? 21 A Right. 22 Q And then you didn't -- 23 Did you have any telephone 24 conversations or emails with them, other than 25 when they were trying to get --</p>





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1 or comments on your quotes or anything like that?

2 A Yeah. I gave them. Yeah.

3 Q And did you give them by email?

4 A Yes.

5 Q And did they -- did they change

6 anything in the draft that you received shortly

7 before publication?

8 A Excuse me. I didn't mean to make a

9 noise.

10 I think there was some changes. I

11 can't remember exactly which ones, you know.

12 Q Did you have any conversations with

13 anyone at Purdue or anyone who had worked for

14 Purdue about this article, your interview, or the

15 draft?

16 A I --

17 Any contact or communication?

18 Q Right.

19 Did you -- did you have any -- did you

20 tell Purdue that you were speaking to reporters

21 for the L.A. Times or did you have any

22 conversation with anyone at Purdue?

23 A I did at some point, yeah. I did.

24 Q Prior to the publication?

25 A Yes.

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1 Q Okay. And what -- did you have any

2 conversations with Michele Ringler?

3 A I did. Well, email. I did not speak

4 to her.

5 Q And when I'm talking about this is this

6 is not with respect to work you were doing --

7 A Right.

8 Q -- at Purdue. This is about the

9 article itself.

10 A I think I sent her an email

11 and -- short and sweet, I think. I think. Yeah.

12 Q Okay. And did you provide any

13 documents to the L.A. Times or to the authors?

14 A No. I don't believe so.

15 Q Did you provide any pictures?

16 A No.

17 Q Did you provide any substantive

18 information in writing to them?

19 A I may have.

20 Q Did you provide to either Mr. Goldman

21 or Purdue's counsel any of your emails to the

22 L.A. Times or from the L.A. Times?

23 A No.

24 Q Have you provided --

25 A Could -- could -- could I clarify

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1 something?

2 Q Sure.

3 A You asked me about pictures --

4 Q Right.

5 A -- to the L.A. Times?

6 Q Or to the authors of the article.

7 A I -- I may have showed them a couple of

8 pictures to give them an idea --

9 Q Pictures --

10 A -- of what clearly a suspect patient

11 might look like. Maybe. I -- I can't really

12 recall.

13 Q What's in your -- what's in your head?

14 What kind of a picture was it? What was it a

15 picture of?

16 A Young patients walking into a pharmacy

17 and then leaving.

18 Q And where --

19 Did you take those pictures?

20 A Yes. Yeah.

21 Q And had you -- had you -- did you take

22 them as a result of some prior investigation you

23 were -- you had done?

24 A Uh, yeah.

25 Q I mean, you didn't -- you didn't go out

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1 and take --

2 Did you go out and take these pictures

3 with the L.A. Times article --

4 A No, no.

5 Q -- in mind, or you had the pictures?

6 A I had the pictures.

7 Q And -- and you forwarded them on to the

8 authors, as best you can recall?

9 A I -- I think I may have, yeah.

10 Q And there were certain pharmacies and

11 physicians that were discussed in the article.

12 Did you give the authors any pictures of any of

13 those pharmacies?

14 A With the -- with the three or four

15 pictures I gave of the individuals, Lams Pharmacy

16 may have been one.

17 Q Was Purdue at any time from -- in 2014,

18 2015, or 2016 until the article was published,

19 were they aware that you were providing

20 information or pictures to the L.A. Times?

21 MR. HOFFMAN:

22 Object to form.

23 A I -- I don't know. I mean, I've had

24 conversations with people in the general

25 counsel's office, said that I tried to clarify

<p style="text-align: right;">Page 210</p> <p>1 many things. So, generally speaking, maybe.  2 Right. I don't know about anything specific.  3 MS. CONROY:  4 Q Would these conversations have taken  5 place before the publication of the article or  6 after?  7 A Before.  8 Q So you -- don't tell me what the  9 conversations were or the substance of them, but  10 you believe you had conversations with the  11 general counsel's office at Purdue concerning  12 information you had provided to the authors of  13 what was going to be an article published in the  14 L.A. Times?  15 A Yes.  16 Q Did you have any -- those -- the emails  17 that you had with Michele Ringler, were those  18 in -- were those prior to the publication of the  19 article? Do you know?  20 A Yes. Oh, I think -- the one -- the  21 only email after I left the company to Michele  22 Ringler may have been at the same time.  23 Q Okay.  24 A May have been the day of or the day  25 after. Yeah.</p>	<p style="text-align: right;">Page 212</p> <p>1 A Robin Abrams.  2 Q Go to page --  3 Let me ask you this. Have you ever had  4 a conversation with Joseph Rannazzisi at any  5 time? Do you know him?  6 A I know him. I believe he knows me, but  7 we're not acquainted to -- to the point where we  8 would have a direct conversation.  9 Q Have you ever spoken at a conference  10 that he's also spoken at or attended? Do you  11 know?  12 A I've attended a conference where he was  13 the speaker. I was one of the people that  14 invited him. Whether or not he attended anything  15 I spoke at, I can't remember.  16 Q Did you ever -- did you ever have any  17 email -- email communication or any other kind of  18 communication with him about his letters?  19 A Indirectly, no.  20 Q Okay. If you look on the -- if you  21 look on page -- starting at the very bottom of  22 Exhibit 5, it says, "A former Purdue executive  23 who monitored pharmacies for criminal activity  24 acknowledged that even when the company had  25 evidence pharmacies were colluding with drug</p>
<p style="text-align: right;">Page 211</p> <p>1 Q Day of or the day after what?  2 A The publication.  3 Q That the article came out?  4 A Yes.  5 Q I see. Did you know that Michele  6 Ringler was also going to be quoted in the  7 article?  8 A No.  9 Q Not until you read the article?  10 A That's right.  11 Q Okay. Do you know if -- do you know of  12 anyone here that was quoted or infor- --  13 information was provided? For example, had you  14 been given the statement from Purdue from  15 Phil Strassburger? Did you know about that  16 before the article was published?  17 A Did not.  18 Q Did you know Phil Strassburger?  19 A Yes.  20 Q And was he one of the individuals you  21 had conversations with before the article was  22 published?  23 A No.  24 Q Who was it that you spoke with in the  25 general counsel's office?</p>	<p style="text-align: right;">Page 213</p> <p>1 dealers, it did not stop supplying distributors  2 selling to those stores."  3 Do you see that?  4 A Yes.  5 Q Do you know who that executive is?  6 A I have no idea what they're talking  7 about in that paragraph, that -- that sentence.  8 Q Okay. As far as you know, they're not  9 talking about you?  10 A Correct.  11 MR. HOFFMAN:  12 I'm sorry. What page is that on?  13 Maybe I missed it.  14 MS. CONROY:  15 It's the -- the very bottom of the  16 first page to the top of the second page.  17 MR. HOFFMAN:  18 Okay. Yeah.  19 MS. CONROY:  20 Q Then it goes on and it says, "Purdue  21 knew about many suspicious doctors and pharmacies  22 from prescribing records, pharmacy orders, field  23 reports from sales representatives and, in some  24 instances, its own surveillance operations  25 according to court and law enforcement records,</p>

<p style="text-align: right;">Page 214</p> <p>1 which include internal Purdue documents, and  2 interviews with current and former employees."  3 Do you see that?  4 MR. HOFFMAN:  5 Object to the form. Hearsay.  6 A I see it.  7 MS. CONROY:  8 Q Do you agree with that sentence?  9 A That was part of our job on the OMS  10 committee.  11 Q So you do agree?  12 A Yes.  13 Q And if you go to page --  14 Unfortunately, there aren't any pages  15 on this. So let's see. We're -- the very next  16 page where it says "what Purdue knew," do you see  17 that?  18 A Yes.  19 Q In the middle of the first paragraph,  20 it says, "The prescription drug epidemic is  21 fueling a heroin crisis, shattering communities  22 and taxing law enforcement officials who say they  23 would benefit from having information such as  24 that collected by Purdue."  25 Do you see that?</p>	<p style="text-align: right;">Page 216</p> <p>1 that's ever happened before?  2 MR. HOFFMAN:  3 Object to the form.  4 A I'm not the expert, I guess, that could  5 answer that question.  6 MS. CONROY:  7 Q Well, I'm -- I'm not asking as an  8 expert.  9 A Right.  10 Q I'm asking are you familiar with anyone  11 who became addicted to a prescription drug and  12 then moved to illegal substances because of that  13 addiction?  14 MR. HOFFMAN:  15 Object to form.  16 A Thank you for the clarification. Thank  17 you.  18 I'm not aware of any.  19 MS. CONROY:  20 Q Okay. And you never heard of anything  21 like that during your time at Purdue? You never  22 heard of any -- not an individual, but you never  23 heard of that happening, that someone could  24 become addicted to a prescription drug and then  25 move to illegal drugs?</p>
<p style="text-align: right;">Page 215</p> <p>1 A Yes.  2 Q Do you believe that the prescription  3 drug epidemic is fueling a heroin crisis?  4 MR. HOFFMAN:  5 Object to form.  6 A I don't know.  7 MS. CONROY:  8 Q Have you ever heard that before?  9 A Yes.  10 Q You have no opinion on it?  11 MR. HOFFMAN:  12 Object to form.  13 A I have an opinion. I mean, many times  14 those who abuse prescription drugs also abuse  15 heroin.  16 MS. CONROY:  17 Q Have you ever heard that individuals  18 who become addicted to prescription drugs can  19 then move to heroin or other drugs?  20 MR. HOFFMAN:  21 Object to the form.  22 A The question is "Have I heard it?" I  23 have heard it.  24 MS. CONROY:  25 Q Do you have any -- do you know whether</p>	<p style="text-align: right;">Page 217</p> <p>1 MR. HOFFMAN:  2 Object to the form. Asked and  3 answered.  4 A Not that I can recall.  5 MS. CONROY:  6 Q Do you -- is it your understanding that  7 there -- that an individual can become addicted  8 to prescription opioids --  9 MR. HOFFMAN:  10 Object to form.  11 MS. CONROY:  12 Q -- when -- when taken under a doctor's  13 care and as prescribed?  14 MR. HOFFMAN:  15 Object to form.  16 A Terminology, I've never been really  17 good personally at terminology. But a patient  18 could become medically dependent upon opioid  19 medication or other types of substances, yes.  20 Addicted is a -- I'm not qualified to use that  21 term, I don't think.  22 MS. CONROY:  23 Q You -- you told me earlier that you  24 were a consultant with respect to an addiction  25 therapy --</p>

<p style="text-align: right;">Page 218</p> <p>1 A Right.</p> <p>2 Q -- clinic. Did that -- do you make a</p> <p>3 separation between addiction and dependency when</p> <p>4 you are evaluating an addiction -- an addiction</p> <p>5 therapy clinic or addiction treatment clinic?</p> <p>6 MR. HOFFMAN:</p> <p>7 Object to form.</p> <p>8 A I would --</p> <p>9 Let me think here for a second.</p> <p>10 I would be evaluating --</p> <p>11 No, that doesn't even play into it,</p> <p>12 really. There's -- there's no distinction.</p> <p>13 MS. CONROY:</p> <p>14 Q Tell me what you mean by dependent. Or</p> <p>15 did you say medically dependent? You did.</p> <p>16 Medically dependent.</p> <p>17 A You know, some of that may be older</p> <p>18 terminology. But addicted, to me, almost -- I --</p> <p>19 I -- I shy away from that because it could denote</p> <p>20 abuse. Medically dependent, in my mind, does not</p> <p>21 denote abuse, if I could say it that way.</p> <p>22 Q Okay. If someone is medically</p> <p>23 dependent on an opioid medication, can they be</p> <p>24 psychologically dependent as well?</p> <p>25 MR. HOFFMAN:</p>	<p style="text-align: right;">Page 220</p> <p>1 A Trained or informed, I'd say yes.</p> <p>2 Q And were you trained or informed while</p> <p>3 at the DEA?</p> <p>4 MR. GOLDMAN:</p> <p>5 Why don't we -- I -- I would -- I</p> <p>6 would -- I'd think that -- I want to be mindful</p> <p>7 of Mr. Crowley's Touhy obligations. I think</p> <p>8 that's a very specific question about training</p> <p>9 that I would prefer him not answer unless</p> <p>10 specifically instructed by the DEA.</p> <p>11 MS. CONROY:</p> <p>12 Q Okay. After -- after 2004, did you</p> <p>13 ever receive --</p> <p>14 Had you left the DEA by 2004?</p> <p>15 A Yes.</p> <p>16 Q After 2004, did you ever receive any</p> <p>17 training of any type with respect to addiction,</p> <p>18 withdrawal, tolerance, dependence, medical</p> <p>19 dependence, anything?</p> <p>20 A Did not.</p> <p>21 Q Did you ever see a package insert for</p> <p>22 OxyContin? Ever read one?</p> <p>23 A I've perused one, I'm sure, yep.</p> <p>24 Q After 2004?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 219</p> <p>1 Object to form. Still calling for a</p> <p>2 medical opinion.</p> <p>3 A I -- I really don't know. I don't</p> <p>4 know.</p> <p>5 MS. CONROY:</p> <p>6 Q Do you know if someone who's medically</p> <p>7 dependent on an opioid medication can crave that</p> <p>8 medication?</p> <p>9 MR. HOFFMAN:</p> <p>10 Same objection.</p> <p>11 A I would assume that would be part of</p> <p>12 it.</p> <p>13 MS. CONROY:</p> <p>14 Q And do you know if someone is medically</p> <p>15 dependent on an opioid medication, can they</p> <p>16 experience withdrawal if they stop taking the</p> <p>17 medication?</p> <p>18 MR. HOFFMAN:</p> <p>19 Objection. Same objection.</p> <p>20 A They could, in my opinion.</p> <p>21 MS. CONROY:</p> <p>22 Q Have you ever -- have you ever been</p> <p>23 trained with respect to the terms "medically</p> <p>24 dependent," "addicted," "tolerance,"</p> <p>25 "withdrawal"? Just asking "yes" or "no."</p>	<p style="text-align: right;">Page 221</p> <p>1 Q Did you ever yourself provide any</p> <p>2 training to sales reps or other individuals</p> <p>3 employed by Purdue?</p> <p>4 A I never was involved in any training</p> <p>5 with sales reps. Some training probably with</p> <p>6 other employees of Purdue but not in what you're</p> <p>7 asking me about.</p> <p>8 Q Did you ever have any conversations at</p> <p>9 the order monitoring committee about addiction,</p> <p>10 abuse, tolerance, withdrawal, any -- any of those</p> <p>11 types of issues with respect to controlled</p> <p>12 substances?</p> <p>13 A Did not. None that I can recall.</p> <p>14 Q What was the -- what was the point of</p> <p>15 the picture of the young patient walking in and</p> <p>16 out of the pharmacy? What were you attempting to</p> <p>17 show the authors of the LA Times article?</p> <p>18 MR. GOLDMAN:</p> <p>19 Objection.</p> <p>20 Go ahead.</p> <p>21 A Probably the type of patient that would</p> <p>22 trigger a -- a suspicion on the part of a</p> <p>23 reasonably -- reasonable person conducting any</p> <p>24 kind of a -- an inspection outside of the</p> <p>25 pharmacy, that perhaps they may be entering for</p>



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1 some reason other than a legitimate medical  
 2 purpose. However, it's not that easy, so I...  
 3 MS. CONROY:  
 4 Q What would it be about -- what would it  
 5 be about the patient walking in? What  
 6 would -- what would cause you to use that picture  
 7 to describe someone who was potentially seeking a  
 8 prescription for a nonlegitimate medical purpose?  
 9 A The way they carried themselves, the  
 10 way they were dressed.  
 11 Q And how would they be dressed?  
 12 A Shorts that come down halfway, if  
 13 you know what I mean, hat on backwards, holding a  
 14 cell phone a funny way.  
 15 Q And would you --  
 16 A I didn't quite finish. I'm sorry.  
 17 Q Oh, I'm sorry.  
 18 A Well, age, physical condition, that  
 19 sort of thing.  
 20 Q And would you be identifying that  
 21 individual as someone who is either medically  
 22 dependent or addicted to a controlled substance  
 23 or someone who would be dealing or -- or  
 24 diverting a controlled substance?  
 25 MR. HOFFMAN:

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1 Object to form.  
 2 A I would say the former, because the  
 3 latter is a very difficult concept, diversion.  
 4 So...  
 5 MS. CONROY:  
 6 Q So you're describing someone who, at  
 7 least visually, to you, is -- and I'll use your  
 8 word -- medically dependent on a controlled  
 9 substance?  
 10 MR. HOFFMAN:  
 11 Object to form.  
 12 A I think I may have used that term in a  
 13 different context. They may have been  
 14 drug-seeking individuals who were addicted.  
 15 MS. CONROY:  
 16 Q And you're making a distinction between  
 17 that individual that would be addicted and  
 18 someone else who might be medically dependent?  
 19 MR. HOFFMAN:  
 20 Object to form.  
 21 A I am, yes.  
 22 MS. CONROY:  
 23 Q If we turn the page, it says,  
 24 "Drugmakers like Purdue are required by law to  
 25 establish and maintain," quote, "effective

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1 controls against the diversion of drugs from  
 2 legitimate medical purposes."  
 3 Do you see that?  
 4 A I'm sorry. I may have the wrong page.  
 5 Q Oh, I'm sorry.  
 6 Go to the -- we -- we were on the page  
 7 that talked about what Purdue knew.  
 8 A Yes.  
 9 Q Now turn the page.  
 10 A Okay.  
 11 Q And, at the very top, it says "After  
 12 the settlement."  
 13 Do you see that?  
 14 A I see that, yeah.  
 15 Q And then it says, "Drugmakers like  
 16 Purdue are required by law to establish and  
 17 maintain," quote, "effective controls against the  
 18 diversion of drugs from legitimate medical  
 19 purposes."  
 20 Do you see that?  
 21 A I do.  
 22 Q And do you agree with that?  
 23 A No. Not -- not the exact terminology.  
 24 Q Okay. How would -- tell me what's  
 25 wrong with it or the way that you would phrase

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1 it.  
 2 A Establish and maintain effective  
 3 controls against the diversion of drugs from  
 4 legitimate medical channels, scientific channels.  
 5 Q Instead of purposes, channels or  
 6 scientific channels?  
 7 A That's correct.  
 8 Q And did you make that suggestion to the  
 9 authors?  
 10 MR. HOFFMAN:  
 11 Object to form.  
 12 MS. CONROY:  
 13 Q If you recall.  
 14 A I don't recall that in particular, no.  
 15 Q Okay. And the next paragraph says,  
 16 "That anti-diversion effort at Purdue was run by  
 17 Associate General Counsel Robin Abrams, former  
 18 Assistant U.S. Attorney in New York, who had  
 19 prosecuted healthcare fraud in prescription drug  
 20 cases. Jack Crowley, who held the title of  
 21 Executive Director of Controlled Substances Act  
 22 Compliance and had spent decades at the DEA, was  
 23 also on the team."  
 24 Do you see that?  
 25 A I -- I do.

<p style="text-align: right;">Page 226</p> <p>1 Q And is this, "the anti-diversion 2 effort" and "the team," is that referring to the 3 order monitoring committee? 4 A I believe so. 5 Q It says, the next line, "Purdue had 6 access to a stream of data showing how individual 7 doctors across the nation were prescribing 8 OxyContin. The information came from IMS, a 9 company that buys prescription data from 10 pharmacies and resells it to drugmakers for 11 marketing purposes." 12 Do you see that? 13 A I do. 14 Q Do you agree with that paragraph? 15 MR. HOFFMAN: 16 Object to form. Foundation. 17 A I agree that Purdue had a -- access to 18 data showing prescribing practices. I -- IMS, I 19 really don't know that much about their manner of 20 providing that information. 21 MS. CONROY: 22 Q That's -- that's not a database that -- 23 that you would go into at Purdue. You would just 24 sometimes ask for information from that database; 25 correct?</p>	<p style="text-align: right;">Page 228</p> <p>1 So I -- I can agree with it generally, 2 but not necessarily every word. 3 MS. CONROY: 4 Q Okay. Then you're quoted, "'I could 5 punch it in at any time...Bang,' Crowley told the 6 Times. 'I was sitting on a gold mine.'" 7 Did you say that? 8 A I probably did. I -- I don't remember 9 exactly saying it that way. But, again, that 10 would have been part of a broader idea that I was 11 trying to express. 12 Q Okay. Do you believe that you were 13 sitting on a gold mine? 14 MR. HOFFMAN: 15 Object to form. 16 A Probably would have used different 17 terminology. I was sitting on valuable data. 18 MS. CONROY: 19 Q Okay. And why was it valuable to you? 20 A Well, I -- I had kind of a unique view 21 of things, having worked in this arena for DEA 22 for 28 and a half years and now in industry. I 23 had a pretty good idea of what might be 24 noteworthy on its face, and it would give me then 25 the -- you know, would send me to the idea that I</p>
<p style="text-align: right;">Page 227</p> <p>1 A That's correct. 2 Q Now I would like you to go to the page 3 at the top -- it's several in -- that says "I was 4 sitting on a gold mine." It's at the very top of 5 the page. 6 It says here, "With a" -- 7 Did you find it? 8 A Yes. 9 Q "With a few keystrokes on his computer 10 at Purdue, Jack Crowley could identify pharmacies 11 around the country that were moving a staggering 12 volume of 80s and almost nothing else." 13 Eighties is 80 milligram OxyContin? 14 A That's correct. 15 Q Do you have -- do you have issue with 16 anything in that sentence? 17 MR. GOLDMAN: 18 Object. 19 A I'm -- I'm sure it was taken out of 20 context. The word "staggering" would be 21 something that I would object to. I was trying 22 to be 100 percent truthful with them on the fact 23 that we had certain abilities that, if we applied 24 the data correctly, would -- we'd see certain 25 things.</p>	<p style="text-align: right;">Page 229</p> <p>1 should look into this further. 2 Q If you look, it says, a little further 3 down on that page, "In 2007 DEA pressured drug 4 manufacturers to do more to stem the prescription 5 drug crisis and warned that it would be looking 6 at every step in the supply chain." 7 Do you see that? 8 A Yes. 9 Q Is that a reference to one or both of 10 the Rannazzisi letters? 11 A I assume it is. Yeah. 12 Q "In response, Purdue decided to gather 13 detailed information about pharmacies,' Crowley 14 said." 15 Do you see that? 16 A I do. 17 Q And that's what you were talking about 18 with me this morning, that around that time 19 period after the two Rannazzisi letters, you were 20 beginning to form this order monitoring committee 21 and starting to look at data, with others, to try 22 to identify suspicious orders. 23 A That's correct. 24 Q And it says next, "The company 25 approached wholesalers and struck agreements."</p>

<p style="text-align: right;">Page 230</p> <p>1 That's the fee for service agreements;  2 correct?  3 A May I read the entire sentence?  4 Q Absolutely.  5 A Yes, I agree.  6 Q Did you have anything to do with the  7 fee for service agreements or what types of data  8 you would be interested in that whoever was  9 negotiating the fee for service agreements should  10 try and secure from the authorized distributors?  11 A No. That was national accounts. But  12 it's generally the -- what they call 867 data,  13 their sales to the retail outlets. That's what  14 it is.  15 Q So you knew, as long as you said, "We  16 should be getting the 867 data from our  17 authorized distributors," that's --  18 A Right.  19 Q -- that's, to you, the data that you  20 would need?  21 A Whether I said it first or Steve Seid  22 said it, yes.  23 Q You both recognized that was where you  24 would be able to recognize suspicious orders.  25 A Yes.</p>	<p style="text-align: right;">Page 232</p> <p>1 Q -- you could just get the agreement  2 signed and you'd know everything.  3 A Right.  4 Q But that was -- you needed the fee for  5 service agreement in order to get the data. Is  6 that correct? Or did you --  7 A That's true.  8 Q -- already have the data?  9 A Well, he may have had some of it in his  10 role in national accounts. He had to evaluate  11 orders every day. So that's something, at that  12 time, I didn't pay attention to. Only as we  13 began to form this committee.  14 But in terms of the wholesalers making  15 orders to Purdue, he's involved in, I assume,  16 that kind of data readily for -- for a while,  17 yes.  18 Wait a minute. Wait a minute. Let me  19 back -- I might be getting...  20 MR. GOLDMAN:  21 You want the question repeated?  22 THE WITNESS:  23 Yeah. I think -- I'll repeat it  24 myself.  25 MS. CONROY:</p>
<p style="text-align: right;">Page 231</p> <p>1 MR. HOFFMAN:  2 Object to form.  3 THE WITNESS:  4 Sorry.  5 A Could you -- could I back up on that a  6 second? I'm sorry.  7 We both recognized it would be valuable  8 data stream.  9 MS. CONROY:  10 Q Okay.  11 A And I think you said "for suspicious  12 orders"?  13 Q Correct.  14 A I mean, there'd have to be other steps  15 taken, I mean, you know, with that data.  16 Q Sure.  17 A Yeah.  18 Q You needed -- you needed to create a  19 database; correct?  20 A Yeah.  21 Q So that you could collect that data and  22 then run an algorithm off of it.  23 A Right.  24 Q I'm not suggesting --  25 A Right.</p>	<p style="text-align: right;">Page 233</p> <p>1 Q Okay.  2 A My understanding of the question was  3 did -- did he have access to that data before.  4 MS. CONROY:  5 Q Correct.  6 A And, so, I'm -- I -- I was getting a  7 little mixed up that he was the main driver of  8 the Purdue order monitoring system, so he made  9 decisions hourly, daily, weekly in this regard.  10 Whether or not he had data that looked  11 down all the way to the retail pharmacy, I'm not  12 really sure, until we began looking into this.  13 Q What you do know is that Mr. Seid, when  14 he received an order from Cardinal or McKesson or  15 AmerisourceBergen, he could determine whether  16 that order was of unusual size or it was some  17 suspicion about that; correct? Before the fee  18 for service agreements.  19 A Yeah, the -- the --  20 MS. SIDARTH:  21 Object to form.  22 MR. HOFFMAN:  23 Object to form.  24 A There may have been something  25 noteworthy about it. I'd use that word rather</p>

<p style="text-align: right;">Page 234</p> <p>1 than "suspicious."  2 But he would certainly make phone  3 calls, do it, whatever due diligence he had, to  4 assure himself that that order was fine.  5 MS. CONROY:  6 Q And he would also be looking at credit  7 issues, whether whoever was ordering the product  8 could pay for it?  9 A Could be part of it, yes.  10 Q And are you familiar at all with the  11 score cards? Is that term familiar to you, score  12 cards that Mr. Seid would use to look and  13 determine whether, for example, whether McKesson  14 had provided the data during a particular period  15 of time and how much they purchased and how much  16 of a rebate or a chargeback they may get? Did  17 you have anything to do with that?  18 A No.  19 Q And then if you go a few pages in, past  20 the picture of the pharmacy and then at the top  21 of the page, it says, "Once Purdue identifies."  22 Do you see that?  23 MR. GOLDMAN:  24 Next page, I think.  25 A Next page?</p>	<p style="text-align: right;">Page 236</p> <p>1 Actually, is this a reference to your  2 activities and maybe others at Purdue contacting  3 Purdue's authorized distributors in that exchange  4 of information we talked about concerning hot  5 spots or high-volume pharmacies?  6 A I -- I believe it is.  7 Q So that's when you -- we -- we saw a  8 couple of examples. You might call George Euson  9 at H.D. Smith or, I mean, or he might call you,  10 but there would be an exchange of information  11 with Purdue's wholesalers.  12 A Yeah.  13 Q It then says, "In the case of Lake  14 Medical, Purdue didn't notify some distributors  15 that it suspected St. Paul's was part of a drug  16 ring."  17 Do you see that?  18 MR. HOFFMAN:  19 Object to form and beyond the scope of  20 the track 1 cases.  21 A I see it.  22 MS. CONROY:  23 Q Do you know whether some distributors  24 were not notified who were supplying -- who were  25 authorized distributors supplying to Lake</p>
<p style="text-align: right;">Page 235</p> <p>1 Yes.  2 MS. CONROY:  3 Q It says, "'Once Purdue identifies the  4 potential suspicious activity of a wholesaler's  5 customer, Purdue informs the wholesaler so they  6 can perform their due diligence,' Strassburger  7 said."  8 Is this a reference to your activities  9 and maybe others at Purdue contacting Purdue's  10 authorized distributors and that exchange of  11 information we talked about about hot spots or  12 high-volume pharmacies?  13 MR. HOFFMAN:  14 Object to the form.  15 A I -- I have to apologize, because I  16 kind of zoned out --  17 MS. CONROY:  18 Q Okay.  19 A -- on your question while I was reading  20 this. I think I know what it is, but I --  21 Q Sure. Let me repeat it.  22 What's meant here is that once Purdue  23 identifies the potential suspicious activity of a  24 wholesaler's customer, Purdue would --  25 Oh, no. I'm sorry.</p>	<p style="text-align: right;">Page 237</p> <p>1 Medical?  2 MR. HOFFMAN:  3 Same objections.  4 A I do not.  5 MS. CONROY:  6 Q Did you take issue with this sentence  7 with the authors?  8 A If I didn't, I should have.  9 Q Okay. And -- and why is that?  10 A Well, the terms "drug ring," number  11 one.  12 Q How could we tell today whether or not  13 Purdue notified any of its authorized  14 distributors who supplied Lake Medical?  15 MR. HOFFMAN:  16 Object to the form. Beyond the scope  17 of the track 1 cases.  18 A Notifying them of what? That  19 St. Paul's was ordering suspicious amounts of  20 OxyContin?  21 MS. CONROY:  22 Q Correct. This is the same type of  23 information you were communicating to H.D. Smith.  24 A I don't know, but -- if there are any  25 notes in the OMS system, but that would be one</p>

<p style="text-align: right;">Page 238</p> <p>1 way.</p> <p>2 Q Because this might not be correct. You</p> <p>3 may in fact have had conversations with other</p> <p>4 distributors who were supplying to Lake Medical;</p> <p>5 correct?</p> <p>6 MR. HOFFMAN:</p> <p>7 Same objection.</p> <p>8 A I'm getting mixed up. The sales would</p> <p>9 have gone to St. Paul's.</p> <p>10 MS. CONROY:</p> <p>11 Q Correct. And, so, there was H.D. Smith</p> <p>12 was -- was one of the distributors to St. Paul's;</p> <p>13 correct?</p> <p>14 A That's right.</p> <p>15 Q And -- and it looks, according to this</p> <p>16 sentence, that there were other distributors</p> <p>17 distributing Purdue products to St. Paul's.</p> <p>18 Correct?</p> <p>19 MR. HOFFMAN:</p> <p>20 Same objection -- same objections.</p> <p>21 A That helps me to understand.</p> <p>22 I believe I -- I did have conversation</p> <p>23 with other wholesalers.</p> <p>24 MS. CONROY:</p> <p>25 Q Okay. And those conversations may, in</p>	<p style="text-align: right;">Page 240</p> <p>1 word -- catching up with a St. Paul's or some</p> <p>2 other pharmacy to actually report them to the</p> <p>3 DEA?</p> <p>4 A Correct.</p> <p>5 MR. HOFFMAN:</p> <p>6 Object to the form.</p> <p>7 MS. CONROY:</p> <p>8 Q That's -- that's a different timing;</p> <p>9 correct?</p> <p>10 MR. HOFFMAN:</p> <p>11 Object to form.</p> <p>12 MS. CONROY:</p> <p>13 Q That's a different timing; correct?</p> <p>14 A I -- I was specifically talking about</p> <p>15 my understanding of law enforcement</p> <p>16 investigation. So it's different in that regard,</p> <p>17 sure.</p> <p>18 Q Because under your -- under the system</p> <p>19 that you helped to create at Purdue, you created</p> <p>20 a system with others that could be used to stop</p> <p>21 the distribution of controlled substances to</p> <p>22 specific pharmacies as long as you had</p> <p>23 cooperation from an authorized distributor.</p> <p>24 Correct?</p> <p>25 MR. GOLDMAN:</p>
<p style="text-align: right;">Page 239</p> <p>1 fact, be referenced in the notes of the OMS</p> <p>2 database?</p> <p>3 A May be, yeah.</p> <p>4 Q Or in your emails.</p> <p>5 A Yes.</p> <p>6 Q Then, a little bit further down on that</p> <p>7 page, it says, "It really takes G a long time to</p> <p>8 catch up with these jokers."</p> <p>9 Do you see that?</p> <p>10 A Yes.</p> <p>11 Q What did you mean by that?</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to form.</p> <p>14 A Poor choice of terminology, but really</p> <p>15 takes the government, meaning DEA or any</p> <p>16 investigative agency, a long time to conduct and</p> <p>17 complete an investigation which would lead to</p> <p>18 indictments and arrests.</p> <p>19 The word "jokers," I don't know. Maybe</p> <p>20 I was having a bad day.</p> <p>21 Q And by "catch up" there, you mean</p> <p>22 indictment or arrest?</p> <p>23 A Yes.</p> <p>24 Q That's different from one of Purdue's</p> <p>25 authorized distributors -- and I'll use the</p>	<p style="text-align: right;">Page 241</p> <p>1 Objection.</p> <p>2 A That'd be -- be a big part of it. But</p> <p>3 it's very, very difficult for industry,</p> <p>4 manufacturers and wholesalers, to stop shipping</p> <p>5 with the risk of -- of depriving legitimate</p> <p>6 patients of their medicine. So there's --</p> <p>7 there's more steps involved in that, except for</p> <p>8 the cases that are unbelievably egregious, I</p> <p>9 would imagine.</p> <p>10 But, for instance --</p> <p>11 Well, you know, there's more to it.</p> <p>12 But the idea was as we made the system better,</p> <p>13 we'd get a different, perhaps, reaction from the</p> <p>14 DEA and the collaborative effort to make the</p> <p>15 right kind of decisions so that legitimate</p> <p>16 patients did not get harmed. And, in my view,</p> <p>17 shall I say, my idea would be that that -- that's</p> <p>18 what would have taken place. And you bring in</p> <p>19 the state disciplinary boards and all that,</p> <p>20 together with administrative action, which could</p> <p>21 happen a lot faster than criminal investigations.</p> <p>22 I'm sorry to, you know...</p> <p>23 MS. CONROY:</p> <p>24 Q I understand that your concern -- your</p> <p>25 concerns, at least with respect to the industry</p>



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1 side, not the government side, your concern was  
 2 that if you stopped shipping to a particular  
 3 suspicious pharmacy or if you persuaded an  
 4 authorized distributor to stop supplying to a  
 5 suspicious pharmacy, you would impact legitimate  
 6 patients?  
 7 MR. GOLDMAN:  
 8       Objection.  
 9       Go ahead.  
 10 A       Potentially, yes.  
 11 MS. CONROY:  
 12 Q       Do you know if that ever happened?  
 13 MR. HOFFMAN:  
 14       Object to form.  
 15 A       I don't know directly.  
 16 MS. CONROY:  
 17 Q       Did you ever hear indirectly of any  
 18 particular instance where legitimate patients  
 19 were impacted by the shutting -- by the reporting  
 20 to the DEA of a particular pharmacy by an  
 21 authorized distributor?  
 22 MR. HOFFMAN:  
 23       Object to the form.  
 24 A       I'm sure there were reports from news  
 25 organizations, other types of agencies. But

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1 certainly our own observations would be that  
 2 perhaps a certain amount of patients that are  
 3 entering this pharmacy are, quote, drug-seeking  
 4 individuals who are -- whose intent is to abuse  
 5 the substance, and another percentage might be --  
 6 would be, therefore, legitimate patients. How do  
 7 you -- how do you stop shipping completely  
 8 without -- without harming 50 percent or whatever  
 9 the percentage might be who are legitimate?  
 10       So that was always something that we  
 11 struggled with on a daily basis, and how are we  
 12 gonna do the right thing? So...  
 13 MS. CONROY:  
 14 Q       I understand you struggled with the  
 15 concept.  
 16 A       Right.  
 17 Q       What I'm asking is did you ever do it  
 18 and see what the consequences were?  
 19 MR. HOFFMAN:  
 20       Object to the form.  
 21 A       I never saw the consequences in my time  
 22 at Purdue.  
 23 MS. CONROY:  
 24 Q       And were the consequences weighed when  
 25 Robin Abrams reported those 150 or so pharmacies

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1 to the DEA? Do you know if legitimate patients  
 2 were deprived their controlled substances when  
 3 that happened?  
 4 A       I -- I don't, no. But I -- I don't.  
 5 Q       Did you supply any pictures that  
 6 ultimately ended up in the article?  
 7 A       I don't think so.  
 8 Q       And did you ever go on to --  
 9       It looked like there was an ability to  
 10 go on the L.A. Times website and see a little bit  
 11 more information or look at the full documents.  
 12 Did you ever go on the website and look at the --  
 13 A       No.  
 14 Q       -- at what they had?  
 15 A       I never did, no.  
 16 Q       There was a -- at least maybe some  
 17 other articles, but I see a second article that  
 18 I've marked as Exhibit 6. And your copy is the  
 19 top one.  
 20       (CROWLEY EXHIBIT NUMBER 6  
 21       WAS MARKED FOR IDENTIFICATION.)  
 22 MS. CONROY:  
 23 Q       Exhibit 6 is an article from  
 24 www.thefix.com on July 11th of 2016 by Paul  
 25 Gaita, G-A-I-T-A. Have you ever read -- does

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1 this article look familiar to you?  
 2 A       I don't think it looks familiar to me  
 3 at all. I don't recognize this.  
 4 Q       Okay. If you'd turn the page, it's  
 5 double-sided, so go to not the back side but the  
 6 next page. At the very top, it says "more than  
 7 1800."  
 8       Do you see that? Not that page. Go to  
 9 the next one.  
 10 A       Yes.  
 11 Q       Okay. In the second paragraph, it  
 12 says, "But as he," talking about you --  
 13       You can take a look -- take your time  
 14 to look at this paragraph.  
 15       "But as he and others noted, company  
 16 policy prohibited employees from taking such  
 17 actions without first consulting distributors,  
 18 and Purdue continued to fulfill orders to stores,  
 19 even in cases where company employees personally  
 20 witnessed suspicious behavior at these  
 21 locations."  
 22       Do you see that?  
 23 MR. HOFFMAN:  
 24       Object to form.  
 25 A       I'd like to read it again, if -- if

<p style="text-align: right;">Page 246</p> <p>1 that's okay.          2 MS. CONROY:          3 Q Feel free to -- to read it. And I'll          4 tell you in advance of you reading it, what I'm          5 going to ask you about, is this the policy we          6 were discussing about Purdue telling authorized          7 distributors if it was gonna report suspicious          8 activity to the DEA?          9 A We were talking about it. I don't know          10 if it's captured accurately here. I never spoke          11 to this man. I don't know who he is.          12 Q Okay.          13 A I think that's the policy we were          14 talking about.          15 Q Okay. You can put that away.          16 A Okay. I -- I don't like the word          17 "prohibited."          18 Q Okay. You can keep that --          19 A Oh, okay.          20 Q -- in that stack.          21 MR. HOFFMAN:          22 Jayne, would it be good time for a          23 break?          24 MS. CONROY:          25 Yeah, that's fine.</p>	<p style="text-align: right;">Page 248</p> <p>1 Q And then you have a series of emails.          2 But the one I want to ask you about is the one          3 that's on page 951, if you look at the stamped          4 numbers down at the bottom right-hand corner.          5 A Yes.          6 Q And it's from you, Tuesday,          7 September 25th, to Stephen Seid, Laura Watson.          8 We know who they are. Dan Colucci, we know who          9 he is. Who's Pat McGrath?          10 A She worked in the finance organization.          11 Q Who's Kris Christensen?          12 A He -- he was another colleague in -- in          13 finance.          14 Q And John Lowne?          15 A Lowne. He was a --          16 Q Lowne?          17 A Yeah.          18 I can't remember the exact titles, but          19 John Lowne may have been director of budget --          20 No, I don't think that was it, but          21 more -- controller or something like that, yeah.          22 Q And what was the executive audit          23 committee? That's on the "RE" line. It says,          24 "Executive Audit Committee Follow-Up."          25 A That's something that the Chief</p>
<p style="text-align: right;">Page 247</p> <p>1 VIDEOGRAPHER:          2 We are now going off the video record.          3 The time is currently 3:54 p.m. This is the end          4 of media number 4.          5 (OFF THE RECORD.)          6 VIDEOGRAPHER:          7 We are now back on the video record.          8 The time is currently 4:11 p.m. This is the          9 beginning of media number 5.          10 (CROWLEY EXHIBIT NUMBER 10          11 WAS MARKED FOR IDENTIFICATION.)          12 MS. CONROY:          13 Q Mr. Crowley, let me pass you Exhibit          14 10. Your copy is on the top. The rest are the          15 copies for everyone else.          16 Exhibit 10 is an email from Mr. Crowley          17 dated October 3rd, 2007, to a number of people at          18 Purdue, PPLPC004000132946 through 954.          19 If you take a look at this, if you go          20 to the last page, you see the first email is from          21 you, on September 24th, to a John Lowne.          22 Do you see that?          23 A Yes. Lowne.          24 Q Lowne?          25 A Yeah.</p>	<p style="text-align: right;">Page 249</p> <p>1 Financial Officer had set up.          2 Q And there was no order monitoring          3 committee at this time; correct?          4 A September 25th, 2007. That's correct.          5 Q And on that page 951, you pose a          6 hypothetical question. Do you see that?          7 A Yes.          8 Q It says -- it's right in the middle of          9 the page.          10 A Yeah.          11 Q "Number 1, was their order suspicious?"          12 And you're talking about a hypothetical          13 wholesaler. Correct?          14 A I don't know. Could I --          15 Q I'm only going by it says "Louisiana          16 Wholesale," so --          17 A Oh. Oh. I didn't see that part. I          18 didn't -- that's why I said.          19 Q Right. Just to --          20 A "Our hypothetical question was not          21 really answered, but let's take the situation          22 with Louisiana..."          23 Okay.          24 Q It says, "It was at least questionable          25 initially, based on our criteria."</p>

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1 And then number 2, "What responsibility  
2 do we, as the manufacturer, have, if any, to  
3 evaluate the wholesaler's customers; in essence,  
4 the customers of our customer, Louisiana  
5 Wholesale?"  
6 A Right.  
7 Q Do you see that?  
8 A Yeah.  
9 Q And that's what we were talking about  
10 earlier, whether Purdue had a responsibility with  
11 respect to its customers, its authorized  
12 distributors, and what responsibility Purdue's  
13 authorized distributors had to their customers.  
14 Correct?  
15 A Yes.  
16 Q And their -- and their customers was  
17 that list we saw, pharmacies, hospitals,  
18 dispensing physicians?  
19 A That's correct.  
20 Q And -- and you say, "I think that the  
21 emerging standard is that we have to take all  
22 information available in totality and make a wise  
23 and defensible business decision on whether or  
24 not to fill the order. This would include  
25 maintaining a record of our discussion and what

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1 was considered before rendering our," quote,  
2 "'business decision' to fill the order and not  
3 report it as suspicious."  
4 Do you see that?  
5 A Yes.  
6 Q And this was what you were discussing  
7 prior to having any sort of an order monitoring  
8 database. Correct?  
9 MR. HOFFMAN:  
10 Object to form.  
11 A It appears so, yes.  
12 MS. CONROY:  
13 Q And would it be fair to say that you  
14 were in the -- in the beginnings at Purdue of  
15 determining what you would need in an order  
16 monitoring database to begin to render a business  
17 decision about whether or not to fill an order  
18 and whether or not to report it as suspicious?  
19 MR. HOFFMAN:  
20 Object to form.  
21 A Yeah. This was the beginning of our  
22 discussions on what would help us to make the  
23 right decisions. Right.  
24 MS. CONROY:  
25 Q Then if you look to the next email on

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1 one page earlier, 950, there's an email from  
2 Stephen Seid, hour and a half later or so, and he  
3 says, "Let's make sure we take a step back and  
4 look at the entire picture. Our goal is to  
5 assure availability to appropriate patients while  
6 we do our best due diligence to assure  
7 appropriate channels of distribution."  
8 Do you see that?  
9 A I do.  
10 Q And that's -- that's what we were  
11 talking about just before the break; right?  
12 Appropriate patients or patients with legitimate  
13 prescriptions?  
14 MR. GOLDMAN:  
15 Objection.  
16 A Yeah.  
17 MR. GOLDMAN:  
18 Go ahead.  
19 A Yes. My recollection, yes.  
20 MS. CONROY:  
21 Q And Mr. Seid goes on to say, "First, we  
22 have already taken action that I initiated to  
23 utilize available FFS" -- fee for  
24 service -- "data to help what might be suspect  
25 channels of sale."

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1 And then he goes on to talk about, "Ten  
2 regionals are under contract."  
3 Does that mean ten regionals at this  
4 time were under fee for service contract? Do  
5 you know?  
6 A I don't know. I -- I don't.  
7 Q Okay. Then it says, "The system sends  
8 alerts if their business is out of line."  
9 Do you see that?  
10 A Yes.  
11 Q Do you know if what Mr. Seid is talking  
12 about is whether or not the authorized  
13 distributor's business is out of line?  
14 A I believe that's what it is, yes.  
15 MR. HOFFMAN:  
16 Object to form.  
17 MS. CONROY:  
18 Q Then if you go to the very first page,  
19 which is your very long response, in the "RE"  
20 line, "Changes to follow-up on suspicious order  
21 reporting."  
22 Do you see that?  
23 A I do.  
24 Q Have you seen this email recently?  
25 A No. I don't think so.

<p style="text-align: right;">Page 254</p> <p>1 Q Okay. You -- you say, "As a follow-up                  2 to our email and telephone conversations                  3 regarding the latest DEA thinking" -- and you put                  4 in parentheses, "The 13th DEA Pharmaceutical                  5 Industry Conference in Houston."                  6 Do you see that?                  7 A I do.                  8 Q Did you attend that conference?                  9 A I did.                  10 Q Okay. And if you look down, you -- it                  11 says, "Recap: DEA requires the registrant to,                  12 number 1, design a system to disclose; 2, report                  13 to DEA; and, 3, prevent diversion."                  14 Do you see that?                  15 A I do.                  16 Q And is that a recap of what you heard                  17 at the industry conference in Houston?                  18 A That would have been a recap of my                  19 knowledge and experience. Whether or not I heard                  20 that at the conference, I'm not sure.                  21 Q Okay. And, in the next paragraph,                  22 it -- it looks like you were aware of SOP --                  23 standard operating procedure -- 7.7, which was                  24 one from finance and accounting, but you -- you                  25 felt that it should be a broader SOP. Correct?</p>	<p style="text-align: right;">Page 256</p> <p>1 system. Others in the finance organization are                  2 involved as well."                  3 Do you see that?                  4 A I do.                  5 Q So is it -- is it fair that this                  6 is -- you are beginning to discuss with others at                  7 Purdue how you're going to create an SOP that is                  8 going to identify suspicious orders outside                  9 of -- or in a different way than the 7.7 SOP?                  10 A To involve other areas of the company                  11 and to broaden the concepts in that SOP, yes.                  12 Q And you go on and you say, "The                  13 requirement is to report suspicious orders, not                  14 suspicious sales after the fact."                  15 Do you see that?                  16 A I do.                  17 Q And do you -- do you still agree with                  18 that?                  19 A Yeah. Yes, I agree with that.                  20 Q And, in the middle, you say -- middle                  21 of the paragraph, "The registrant" --                  22 And that means the DEA registrant,                  23 which would be Purdue or anyone else who has a                  24 DEA controlled substances registration number;                  25 correct?</p>
<p style="text-align: right;">Page 255</p> <p>1 In -- where you say it should be cross-functional                  2 responsibility.                  3 MR. HOFFMAN:                  4 Objection.                  5 A Yeah. I see it.                  6 Please allow me to read that a little                  7 bit closer.                  8 MS. CONROY:                  9 Q Yep.                  10 A Yeah. I -- I read that, and I                  11 understand what my meaning is. That was your                  12 question?                  13 Q Right. So my question was that there                  14 was an SOP 7.7 system to disclose suspicious                  15 orders of controlled substances that resided in                  16 accounting and finance, but it was -- it was your                  17 belief, at this time, at least, that there needed                  18 to be something broader, more cross-functional,                  19 that included other areas of Purdue. Is that                  20 fair?                  21 A That is fair. Yes.                  22 Q And then if you look in the next                  23 sentence, you say, "We agree that customer                  24 service, credit services, national accounts,                  25 legal, CSA compliance, each play a role in this</p>	<p style="text-align: right;">Page 257</p> <p>1 A Yes. In this case, the registrant                  2 would be either the manufacturer or the                  3 wholesaler. Yep.                  4 Q And you're saying that "The registrant                  5 must make the business decision whether or not to                  6 ship the order. The responsibility for making                  7 the decision to ship rests with the supplier."                  8 You're talking about the authorized                  9 distributor; correct? Or are you talking about                  10 Purdue? Who's the supplier?                  11 A The supplier in this instant would be                  12 the authorized distributor.                  13 If I can back up for a moment?                  14 Q Sure.                  15 A I have, "DEA does not relieve a                  16 distributor," and, in parentheses, "or                  17 manufacturer." But it's primarily the                  18 distribution to the retail customer that we're                  19 talking about.                  20 Q Okay. There's nothing to prevent a                  21 manufacturer from reporting diversion to the DEA;                  22 correct?                  23 MR. HOFFMAN:                  24 Object to the form.                  25 A And diversion is a -- is a big concept.</p>

<p style="text-align: right;">Page 258</p> <p>1 So if --</p> <p>2 MS. CONROY:</p> <p>3 Q Well, I'll strike that and I'll</p> <p>4 ask -- I was only using that word because it's in</p> <p>5 the sentence.</p> <p>6 But the -- there's nothing that stops a</p> <p>7 manufacturer from reporting suspicious orders to</p> <p>8 the DEA?</p> <p>9 A Nothing to prevent a manufacturer from</p> <p>10 reporting suspicious orders that it receives,</p> <p>11 inference being from their customers.</p> <p>12 Q Correct. To the DEA?</p> <p>13 A To the DEA. There's nothing preventing</p> <p>14 that, right.</p> <p>15 Q But when you say "The responsibility</p> <p>16 for making the decision to ship" -- what we're</p> <p>17 talking about here is shipping the order --</p> <p>18 A Right.</p> <p>19 Q -- "rests with the supplier."</p> <p>20 And "the supplier," in your sentence,</p> <p>21 is the authorized distributor.</p> <p>22 A Well, it could be either. But</p> <p>23 I -- I -- I believe that my intention was to say</p> <p>24 that it was the distributor. Right.</p> <p>25 Q Because there's nothing to prevent the</p>	<p style="text-align: right;">Page 260</p> <p>1 credit, or it could be that it was of an unusual</p> <p>2 size, or there could have been some other issue</p> <p>3 with it that -- who knows?</p> <p>4 A That was my understanding, yes.</p> <p>5 Q And, so, Mr. Seid would have the</p> <p>6 ability, when those alerts were triggered, for</p> <p>7 whatever reason, to decide whether or not to</p> <p>8 ship. He could -- he could do some</p> <p>9 investigation, he could hold the order for ten</p> <p>10 minutes, he could hold the order for three weeks,</p> <p>11 or he could just say, "No, we're not shipping."</p> <p>12 A That's right.</p> <p>13 Q And --</p> <p>14 Okay. But, if I understand your</p> <p>15 testimony from earlier today, if the decision was</p> <p>16 made not to ship because the order was</p> <p>17 suspicious, that would -- you would have</p> <p>18 contacted the authorized distributor before you</p> <p>19 made that decision.</p> <p>20 MR. GOLDMAN:</p> <p>21 Objection.</p> <p>22 MR. HOFFMAN:</p> <p>23 Object to form.</p> <p>24 A Not to ship from Purdue to the</p> <p>25 authorized distributor? I -- I'm not --</p>
<p style="text-align: right;">Page 259</p> <p>1 manufacturer, but you believe that it's the</p> <p>2 authorized distributor that has the actual</p> <p>3 ability to stop the shipment.</p> <p>4 MR. HOFFMAN:</p> <p>5 Object to the form.</p> <p>6 A I know that Purdue stopped many</p> <p>7 shipments. What period of time, again, I think I</p> <p>8 stated before, some for an hour, some for half a</p> <p>9 day, some for two, three days.</p> <p>10 So I'm -- I'm not necessarily excluding</p> <p>11 manufacturers from that concept. So the sentence</p> <p>12 reads, "The responsibility for making the</p> <p>13 decision to ship rests with the supplier." I --</p> <p>14 I agree. And the supplier could be either the</p> <p>15 manufacturer or the distributor.</p> <p>16 MS. CONROY:</p> <p>17 Q Okay.</p> <p>18 A It was kind of a general statement. I</p> <p>19 try to be accurate in these memos, but --</p> <p>20 Q Okay. And what you're saying is you</p> <p>21 certainly knew of instances where Mr. Seid would</p> <p>22 receive an alert about a particular order and it</p> <p>23 might be a concern about whether the -- whether</p> <p>24 the person or the wholesaler making the order</p> <p>25 could pay for it, whether they had issues with</p>	<p style="text-align: right;">Page 261</p> <p>1 MS. CONROY:</p> <p>2 Q Right.</p> <p>3 A I'm just trying to understand.</p> <p>4 Q Right.</p> <p>5 If -- if there was --</p> <p>6 Well, do you know of any instance where</p> <p>7 the -- where the order from the authorized</p> <p>8 wholesaler or distributor was suspicious because</p> <p>9 of size or because it was a certain percentage of</p> <p>10 one -- one dose versus another?</p> <p>11 A I -- I -- I don't know. But -- I don't</p> <p>12 know.</p> <p>13 Q Okay. That's not something you were</p> <p>14 involved with? That's a -- that's a --</p> <p>15 A That's what we were trying to,</p> <p>16 you know, develop. That's what we were moving</p> <p>17 towards, getting some kind of visibility. Yeah.</p> <p>18 Q You say, "Historically, it's been</p> <p>19 difficult for a manufacturer" -- I'm on the next</p> <p>20 page -- "for a manufacturer to gauge what might</p> <p>21 be a suspicious order from a wholesaler."</p> <p>22 You still agree with that; right?</p> <p>23 A Yes.</p> <p>24 Q "It seemed natural that we would extend</p> <p>25 the discussion to the question of," quote,</p>



<p style="text-align: right;">Page 262</p> <p>1 ""knowing our customer's customers."  2 Do you see that?  3 A I do.  4 Q And that's talking about with things  5 like -- and I know this is early days -- the fee  6 for service agreements and such getting more  7 visibility into the authorized distributor's  8 retail pharmacy customers.  9 A Yes.  10 Q And then you say, in the third -- the  11 second full paragraph, "I've been giving this a  12 lot of thought since last Wednesday, which is the  13 one -- which is one of the reasons I'm a little  14 late sending out this summary. I believe we can  15 make intelligent decisions in this area by  16 involving our authorized distributors in an  17 as-needed, collaborative effort."  18 Do you see that?  19 A I do.  20 Q And we've talked about that today, that  21 you still hold -- hold that opinion today;  22 correct?  23 A I -- that's correct.  24 Q And you did, as far as you know,  25 everything you could to communicate with</p>	<p style="text-align: right;">Page 264</p> <p>1 registrations regarding suspicious order  2 discovery and reporting is to pledge to remain in  3 close contact with each other whenever there may  4 be a questionable order."  5 So my question is: What you're talking  6 about there is you need close contact within the  7 different departments at Purdue to identify  8 suspicious orders.  9 A I believe so.  10 Q Because you already -- you already  11 discussed earlier on you need to have close  12 collaboration with your authorized distributors,  13 but --  14 A That's right.  15 Q -- what I think -- what I'm asking if  16 you're saying here is it's not just an accounting  17 function; you need help from other departments to  18 try to identify those authorized distributors  19 that may have suspicious orders.  20 A That's right.  21 Q You can put this one away.  22 (CROWLEY EXHIBIT NUMBER 11  23 WAS MARKED FOR IDENTIFICATION.)  24 MS. CONROY:  25 Q Exhibit 11 -- yours is the top copy --</p>
<p style="text-align: right;">Page 263</p> <p>1 authorized decisions to help them -- with  2 authorized distributors to help them make  3 intelligent decisions.  4 A Yes. I agree.  5 Q And you go on. You say, "The very best  6 way for us to protect ourselves and our  7 registrations regarding suspicious order  8 discovery and reporting is to pledge to remain in  9 close contact with each other whenever there may  10 be a questionable order."  11 Do you see that?  12 A I do.  13 Q And you're talking about keeping in  14 close contact with other departments at Purdue;  15 correct?  16 A I'd like to take a minute and -- and  17 read that. I apologize.  18 Q Yep.  19 A Okay. Thank you for allowing me to do  20 that.  21 And -- and the question, again, was?  22 Q When you --  23 A I'm sorry.  24 Q In this paragraph, you say, "The very  25 best way for us to protect ourselves and our</p>	<p style="text-align: right;">Page 265</p> <p>1 is PPLPC019000216132 through 37. And you can  2 kind of look through this, but this looks, to  3 me -- and, so, my question to you is this looks,  4 to me, like your first stab at an order  5 management system protocol.  6 A It's a stab at it. I -- I don't know  7 if it's the first, but it -- I say it's a start,  8 so it probably is, yeah.  9 Q Okay. It's dated May of 2008.  10 A Yes.  11 Q And who is, if you remember, Aileen  12 Barcia?  13 A She was a paralegal in the Office of  14 General Counsel.  15 Q Okay. And then if you look a little  16 bit down, there was an earlier email before you  17 actually sent the draft. Aileen says, "Jack, do  18 you want me to review the SOP prior to our 2:15  19 meeting? If not, we can always circulate after  20 Robin's review."  21 Do you see that?  22 A I do.  23 Q That's Robin Abrams she's referring to?  24 A Yes.  25 Q Then if you turn the page, this</p>

<p style="text-align: right;">Page 266</p> <p>1 is -- there's no -- there's no signature or  2 anything, but this is -- this is a draft that  3 you're working on; correct?  4 A Yes. I think that's correct. Yeah.  5 Q Okay. And who would you -- do you --  6 It says at the bottom here -- and we've  7 seen this in other SOPs -- that this would be  8 issued by legal and national accounts.  9 Do you see that in the bottom left?  10 A I do.  11 Q And then, next to it, it says  12 "approval," and there's a bunch of initials. Do  13 you see that?  14 A Yes.  15 Q And would you have expected -- do you  16 think that's an artifact or do you think you  17 would have also approved something like this? I  18 don't see your initials.  19 A I -- I eventually did approve this.  20 But maybe in this iteration my initials were not  21 included.  22 Q Okay. We can -- we'll take a look at  23 what finally became the protocol. You can put  24 that one away.  25 So by at least May, the end of May of</p>	<p style="text-align: right;">Page 268</p> <p>1 (CROWLEY EXHIBIT NUMBER 27  2 WAS MARKED FOR IDENTIFICATION.)  3 MS. CONROY:  4 Q Exhibit 27 is an email from Jack  5 Crowley to James Doyle and Robin Abrams and  6 others dated Thursday, November 29th, 2012, and  7 it attaches the OMS SOP dated March 23rd, 2009.  8 The -- Mr. Crowley, the top email is  9 out of date, at least for our discussion, because  10 you are in the process of thinking about updating  11 the 2009 SOP, but you attach the signed SOP. Do  12 you see that? Take a look. And I'm gonna ask  13 you if this appears to be the Order Management  14 System SOP 0007 and that -- with your signature  15 on the back page.  16 A Certainly looks like it.  17 Q Okay. And that's your signature, on  18 the last page, of April 2nd, 2009?  19 A That's -- that's right. Yes.  20 Q And it says -- you're under the  21 "written by Robin Abrams," and she signed it on  22 April 1st. Do you see that?  23 A I do.  24 Q And then you signed it the next day.  25 And then there are approvals by Mr. Seid on April</p>
<p style="text-align: right;">Page 267</p> <p>1 2008, you were working on a protocol for  2 suspicious order monitoring that would be --  3 encompass more than just national accounts;  4 correct?  5 A Yes, that's correct.  6 MR. HOFFMAN:  7 Object to form.  8 MS. CONROY:  9 Bear with me a second. The 007 SOP is  10 actually attached to a document, and I'm looking  11 to see which one has the final SOP.  12 No, no, no. It's 2012. Here.  13 We don't have it until -- 007 is what I  14 need. And we don't actually have a copy of it  15 until --  16 I think this is it here.  17 Do you have more stickers?  18 MS. FITZPATRICK:  19 Yeah. It's gonna be out of order. Is  20 that okay?  21 MS. CONROY:  22 Yeah.  23 What number is it?  24 MS. FITZPATRICK:  25 27.</p>	<p style="text-align: right;">Page 269</p> <p>1 2nd and Mr. Geraci on March 31st. Do you see  2 that?  3 A I do.  4 Q And then the approvals down the bottom,  5 that's who we see the signatures. It's -- REA is  6 Robin Abrams; SS, Stephen Seid; JC is you; and MG  7 is Geraci?  8 A That's correct.  9 Q And who -- on the front page, you're  10 sending it to a James Doyle at Purdue. Who is  11 that?  12 A He was the vice president in charge of  13 business development. I don't know if that was  14 his exact title, but he probably sat on the  15 executive committee, so I sent it to him.  16 Q Okay. And it says at the bottom of  17 your email, "Our members decide" --  18 By "members," you're talking about the  19 members of the order monitoring committee;  20 correct?  21 A Yes.  22 Q -- "decide which accounts need further  23 due diligence analysis, which accounts to discuss  24 with our authorized distributors, when to conduct  25 OMS site visits, and when to report a particular</p>

<p style="text-align: right;">Page 270</p> <p>1 account to the Drug Enforcement Administration as  2 suspicious."  3 Do you see that?  4 A I do.  5 Q And then it goes on. You say, "The OMS  6 committee has the authority to stop shipments to  7 both wholesale and retail accounts."  8 Do you see that?  9 A I do.  10 Q And that was -- that was true when you  11 wrote it; right?  12 A It was true in the context that I  13 wanted Mr. Doyle to know that the committee was  14 capable of powerful action and would involve  15 shipments to both wholesale and, I mention here,  16 retail accounts.  17 I -- I didn't include a longer  18 description of how that would happen, so, as a  19 general matter, I -- that was my intent to show  20 this was a powerful committee, and -- and I  21 didn't -- I didn't express it by saying we'd go  22 through certain -- the amount of different steps  23 in order to stop, you know. So it's -- it's  24 fairly accurate, but...  25 Q The OMS committee did have the</p>	<p style="text-align: right;">Page 272</p> <p>1 would actually see in the fee for service  2 agreement, you could take -- you could come up  3 with an estimate of how much of the supply was  4 going to that -- to that retail account, or at  5 least had gone to that retail account.  6 A On a case-by-case basis, in my  7 experience, those involved the smaller wholesale  8 authorized distributors that we had, the smaller  9 companies. All right.  10 Q And it doesn't appear that it's  11 mentioned in your email to Mr. Doyle, but the OMS  12 committee also had the authority to report  13 anything to the DEA; correct?  14 MR. HOFFMAN:  15 Object to the form.  16 A Report anything to DEA is your  17 question?  18 MS. CONROY:  19 Q Well, the OMS committee had the  20 authority to report suspicious orders to the DEA;  21 correct?  22 A That was part of the function.  23 Q Okay.  24 A Right. If it was indicated, yes.  25 Q And the OMS committee had the authority</p>
<p style="text-align: right;">Page 271</p> <p>1 authority to stop shipments to wholesalers;  2 correct?  3 A Yes.  4 Q And they did --  5 What -- what is -- what's your  6 definition of a retail account? What's that?  7 A Retail pharmacy.  8 Q Okay. And the OMS committee -- did the  9 OMS committee have authority to stop a shipment  10 to a retail account?  11 A We did not sell directly to retail  12 accounts. Those were through the wholesalers.  13 The only way a manufacturer could stop would  14 be -- and this is an example -- to say we are not  15 gonna ship 20 percent of your normal order until  16 we can evaluate this particular retail outlet.  17 And -- and that would maybe strongly induce the  18 wholesaler to not ship to that account while  19 further analysis was being performed, further due  20 diligence. But we -- we did not have the  21 authority to stop a shipment on its face. Right.  22 Q And you could -- and I know it's  23 a -- it's an -- it's an example, but you could  24 determine to hold back 20 percent of an order or  25 14 percent or 32 percent based -- because you</p>	<p style="text-align: right;">Page 273</p> <p>1 to report suspicious sales to the DEA as well;  2 correct?  3 MR. HOFFMAN:  4 Object to the form.  5 A The -- the -- the suspicion would be on  6 the order. So I wouldn't say suspicious sales.  7 I'd say noteworthy orders.  8 MS. CONROY:  9 Q When do you -- what -- when -- what's  10 the dis- -- what's the distinction between or the  11 timing between an order and a sale? You know,  12 obviously, talking about Purdue and -- and -- and  13 its -- its order, when is it an order and when is  14 it a sale?  15 A It's an order when it's received by  16 Purdue, and it becomes a sale when the -- when  17 the order is fulfilled.  18 Q Fulfilled -- when the order is  19 fulfilled to the authorized wholesaler?  20 A In that instance, yes.  21 Q And that would -- so that would be  22 almost --  23 If an order came in and it was filled  24 the very next day, the order and the sale would  25 be a day apart; correct?</p>

<p style="text-align: right;">Page 274</p> <p>1 A Yes.</p> <p>2 Q Okay. And is there any reason that if</p> <p>3 for some reason information came in after</p> <p>4 a -- an -- a sale was made to an authorized</p> <p>5 wholesaler, is there any reason that could not be</p> <p>6 reported to the DEA? That would be a sale</p> <p>7 reported to them as opposed to an order.</p> <p>8 A Oh, there's no reason. The -- the --</p> <p>9 what was being asked of industry by DEA was make</p> <p>10 that report before you make the sale. Could it</p> <p>11 happen? Yes, it probably could happen. But the</p> <p>12 intention was to perform your due diligence, your</p> <p>13 -- your independent assessment of the quality of</p> <p>14 that order before you made the sale.</p> <p>15 Q But in all of what we looked at earlier</p> <p>16 today when you were looking at pharmacies and you</p> <p>17 were calling up high-volume pharmacies, those are</p> <p>18 all retail pharmacies that had already --</p> <p>19 You'd already sold the product;</p> <p>20 correct? It wasn't a -- it wasn't a pending</p> <p>21 order.</p> <p>22 MR. HOFFMAN:</p> <p>23 Object to the form and foundation.</p> <p>24 A Just to be clear, Purdue did not sell</p> <p>25 the product. What we were looking at were orders</p>	<p style="text-align: right;">Page 276</p> <p>1 pharmacy.</p> <p>2 MR. HOFFMAN:</p> <p>3 Object to the form. Overly broad.</p> <p>4 A We were looking at, after the fact, if</p> <p>5 I could say that, data. And then the effort</p> <p>6 would be to conduct due diligence to potentially</p> <p>7 stop future sales. Right.</p> <p>8 MS. CONROY:</p> <p>9 Q It's just a function of the way the</p> <p>10 business works; right?</p> <p>11 A Yes.</p> <p>12 Q How long has it been since you've taken</p> <p>13 a look at this SOP 0007 from 2009?</p> <p>14 A I may have looked at it yesterday. But</p> <p>15 prior to that, long time.</p> <p>16 Q Is this anything you have used in your</p> <p>17 consulting work to say, Hey, this is -- even if</p> <p>18 you didn't give it attribution of Purdue, this is</p> <p>19 a type of protocol that can be used?</p> <p>20 A I'm working with a company right now on</p> <p>21 developing their program, and I may have given</p> <p>22 them several examples -- examples, and the reason</p> <p>23 is not one size fits all, especially when you're</p> <p>24 bringing a new product to market. So...</p> <p>25 Q By the time you had drafted, with</p>
<p style="text-align: right;">Page 275</p> <p>1 from retail accounts to -- to the wholesaler.</p> <p>2 Now, I don't want to split hairs. The</p> <p>3 sales were made in most cases, probably, by the</p> <p>4 time I saw that data.</p> <p>5 MS. CONROY:</p> <p>6 Q Yeah.</p> <p>7 A But I'm looking at the orders.</p> <p>8 Q True.</p> <p>9 A Yeah.</p> <p>10 Q You're looking at the order,</p> <p>11 but -- that's all I'm getting at, that by the</p> <p>12 time you're looking at --</p> <p>13 You're looking at what the order was,</p> <p>14 and you're assuming that order was filled and</p> <p>15 sold and made its way to the pharmacy.</p> <p>16 A Reasonable assumption, yes.</p> <p>17 Q Right.</p> <p>18 And so you're looking at --</p> <p>19 Even though you're looking at an order,</p> <p>20 you're assuming that the sale was actually made.</p> <p>21 And, so, when you would be reporting to the -- to</p> <p>22 the distributor and saying we have a -- we think</p> <p>23 we have a problem with this pharmacy or this is a</p> <p>24 hot spot or whatever, you would be attempting to</p> <p>25 stop future orders and future sales to that</p>	<p style="text-align: right;">Page 277</p> <p>1 others, this SOP, was the order monitoring</p> <p>2 database up and running? Dated -- this is March</p> <p>3 23rd of 2009.</p> <p>4 A My recollection -- my recollection is</p> <p>5 that, yes, it was.</p> <p>6 Q Okay. If you go to page -- it's 465 at</p> <p>7 the bottom, and it says, in the middle, "Order</p> <p>8 Management System (OMS) Review."</p> <p>9 A Yes.</p> <p>10 Q It says, "As part of this SOP, Purdue</p> <p>11 has instituted and developed an OMS program to</p> <p>12 review data received from Purdue's authorized</p> <p>13 distributors per fee for service (FFS) data,</p> <p>14 contracts.</p> <p>15 Do you see that?</p> <p>16 A I do.</p> <p>17 Q And then it goes on and says, "The</p> <p>18 program uses certain specified parameters to</p> <p>19 determine which accounts, wholesaler or retail,</p> <p>20 shall be subject to further review in an effort</p> <p>21 to ascertain whether any order or series of</p> <p>22 orders meets the standard of being," quote,</p> <p>23 "suspect and warrant a potential DEA referral."</p> <p>24 Do you see that?</p> <p>25 A I do.</p>



<p style="text-align: right;">Page 278</p> <p>1 Q Is that a description, generally, of  2 the database, where it says the program uses  3 specified parameters to determine which accounts,  4 wholesaler or retail, shall be subject to further  5 review?  6 A I -- I don't think it's necessarily  7 about the database itself. I think I -- I  8 describe a program.  9 Q Does the program include the database?  10 A Yes, I would say so.  11 Q And does the program include the  12 committee meetings?  13 A I would say yes.  14 Q And I don't see it here. Maybe  15 it's -- maybe it's elsewhere in here. But the  16 program also includes conversations and  17 communications with Purdue's authorized  18 distributors; correct?  19 A Those would be the notes we've talked  20 about several times before. So they -- they  21 could include conversations. That -- that was  22 the goal, yeah.  23 Q Right.  24 Because the program needed -- not only  25 did it need the data that Purdue had but, if I</p>	<p style="text-align: right;">Page 280</p> <p>1 Q And then it says, "If a referral is to  2 be made to the Drug Enforcement Administration  3 (DEA), that will be handled by CSA compliance.  4 And that's you; right?  5 A That's right.  6 Q And then it goes on and it gives the  7 detail. "Once an account is selected by the  8 system under the current criteria," and then it  9 says "notify distributors if it's a retail  10 account."  11 That means you notify the distributor  12 if one of the accounts that's triggering the  13 suspicious order is a retail pharmacy?  14 A Yes. I want to read that again, but  15 yes.  16 Q Yeah.  17 A Yes.  18 Q Then it says, "All pharmacies will be  19 assigned to National Accounts" --  20 That's Steve Seid; right?  21 A That's right.  22 Q -- "for initial feedback based upon  23 familiarity with account, comparison with similar  24 accounts, or other information or context for a  25 particular order."</p>
<p style="text-align: right;">Page 279</p> <p>1 understand the program, you needed to communicate  2 with the authorized distributors as well.  3 A Yes.  4 Q Turn to page 466. And that's, I think,  5 where --  6 So it says, at the very top, "Follow-up  7 review of accounts identified by OMS" --  8 That's the committee; right?  9 A Yes.  10 Q -- "is conducted by an  11 interdisciplinary group, including  12 representatives from the office of the general  13 counsel, CSA compliance, national accounts, and  14 corporate security. Follow-up may include a  15 discussion with the authorized distributor."  16 Do you see that?  17 A I do.  18 Q And, so, that's -- that's -- so those  19 are the members of the committee, and the  20 committee may speak with authorized distributors.  21 Correct?  22 A Yes.  23 Q They don't have to. It just says  24 "follow-up may include."  25 A That's correct.</p>	<p style="text-align: right;">Page 281</p> <p>1 Do you see that?  2 A I do.  3 Q So Mr. Seid's national accounts group  4 would look and to see how that retail account  5 compares to historical numbers or any other  6 information he might have?  7 A I think that's accurate.  8 Q And then after he -- "After national  9 accounts is complete, CSA compliance, acting on  10 behalf of the Office of General Counsel -- that's  11 you -- will review available information and  12 provide feedback and suggestions, which may  13 include a request for further information from  14 sales relative to other pharmacy or healthcare  15 practitioners in the vicinity of the subject  16 account."  17 Do you see that?  18 A I do.  19 Q So that would -- that would mean that  20 either you or someone in the general counsel's  21 office could go and talk and see if there were  22 any reports of concern or IMS data or Region 0  23 prescribers that were somehow related to the --  24 the retail account that was under suspicion.  25 Correct?</p>



<p style="text-align: right;">Page 282</p> <p>1 A I think someone could seek out that  2 information. But I think this particular  3 sentence may have been more related to a series  4 of questions which were posed to a sales  5 representative to -- just as it says, other  6 pharmacy or healthcare practitioners in the  7 vicinity. So that would be asking for a  8 comparison.</p> <p>9 What do you know about the account in  10 question and how does it compare to other  11 pharmacies in the area and do you know any of the  12 healthcare practitioners that are writing  13 prescriptions?</p> <p>14 Q And that would be IMS data; correct?  15 MR. HOFFMAN:  16 Object to the form.  17 MS. CONROY:  18 Q That -- that's where the data would be,  19 IMS or -- or one -- one of its -- IQVIA or  20 whatever it would be called at the time. But  21 that's where the healthcare practitioners in the  22 vicinity of the subject account, that's where you  23 would see that data; right?  24 MR. HOFFMAN:  25 Object to the form.</p>	<p style="text-align: right;">Page 284</p> <p>1 gets added to the database."  2 You have no reason to doubt that  3 happens; right?  4 A I have no reason to doubt, no.  5 Q Then it says, "The file will be further  6 reviewed by corporate security for any additional  7 relevant information that may be available." And  8 that's Mr. Geraci, and I think you gave me  9 another name at some point.  10 A Luis Bauza.  11 Q Then it says, "Following corporate  12 security review, it may be marked for CSA  13 compliance review, which will generally take  14 place in conjunction with the other reviewers as  15 a summary discussion."  16 Do you see that?  17 A I do.  18 Q And is that a committee meeting that  19 would take place to discuss all that -- the  20 compilation of results that were input into the  21 database?  22 A May happen outside of the committee  23 meeting. We try to make it as much in real time  24 as we could, so --  25 Q Okay. So you could just -- you could</p>
<p style="text-align: right;">Page 283</p> <p>1 A Excuse me.  2 I wouldn't see that data personally,  3 so -- and I wasn't really that familiar with what  4 was available to sales reps. And I'm not trying  5 to be evasive in any way.  6 Q And I don't -- I don't -- when I'm  7 asking, it just says -- I'm going by the SOP, and  8 it just says, "When National Accounts' review is  9 complete, CSA compliance, acting on behalf of the  10 Office of General Counsel, will review available  11 information."  12 So you may not know exactly what  13 information is available, but someone in the  14 general counsel's office, just someone working  15 with you, there's no -- there's no restriction.  16 If there's information or data available at  17 Purdue, it's -- it's at your disposal, correct,  18 with respect to doing research into this retail  19 account that is potentially suspicious?  20 MR. HOFFMAN:  21 Object to the form.  22 A Yes, I think that's true.  23 MS. CONROY:  24 Q And then if -- if you go down, it says,  25 "After the sales force responds, that information</p>	<p style="text-align: right;">Page 285</p> <p>1 call a discussion at any point.  2 A Right.  3 Q And then it says, "The reviewing team,  4 under the guidance and direction of the general  5 counsel's office" --  6 And that's -- that's Robin Abrams,  7 Betsy Adams, Giselle Issa; correct?  8 A Correct.  9 Q -- "will then discuss and perform next  10 steps as appropriate and coordinate its  11 assessment with the authorized distributor."  12 Do you see that?  13 A Excuse me.  14 I do.  15 Q Okay. And, so, the reviewing team,  16 under the direction of the general counsel's  17 office, decides what to do next. Right?  18 A I agree with that generally, as far as  19 coordinating the assessment with the authorized  20 distributor.  21 Q Okay.  22 A I mean, I -- I -- what I mean to say  23 is -- like I say, "perform next steps as  24 appropriate in addition to the coordination of  25 the assessment." I'm not trying to split hairs.</p>

<p style="text-align: right;">Page 286</p> <p>1 I'm --</p> <p>2 Q No. That's fine.</p> <p>3 And then, on the next page, it says,</p> <p>4 "There are three final status values for all</p> <p>5 pharmacies that were identified for follow-up</p> <p>6 review."</p> <p>7 Do you see that?</p> <p>8 A Yes.</p> <p>9 Q And those are the three: Pending;</p> <p>10 complete; and complete, referred. Correct?</p> <p>11 A Yes. That's what I see, yes.</p> <p>12 Q And we -- and we talked about, earlier</p> <p>13 today, what those mean. Correct?</p> <p>14 A Yes. Well, I think we did, yeah.</p> <p>15 Q Okay. Then it says "Filing suspicious</p> <p>16 order reports with DEA."</p> <p>17 It says, "Under 21 CFR Section</p> <p>18 1301.74(b), orders designated as suspicious must</p> <p>19 be reported to DEA when discovered. Once the</p> <p>20 determination that an order is suspicious has</p> <p>21 been made, a phone call to report the order to</p> <p>22 the local DEA office is recommended to meet this</p> <p>23 requirement unless DEA provides other direction.</p> <p>24 If requested, Purdue will provide additional</p> <p>25 information."</p>	<p style="text-align: right;">Page 288</p> <p>1 So did they meet the definition of a</p> <p>2 formal report? I don't think that they did. But</p> <p>3 they were reports. They were communications to</p> <p>4 DEA.</p> <p>5 MS. CONROY:</p> <p>6 Q And if -- and if there was a</p> <p>7 communication to DEA, the file -- the database</p> <p>8 would be marked "referred"?</p> <p>9 A No. No. Not -- huh-uh. I don't agree</p> <p>10 with that.</p> <p>11 Q Okay. So if I wanted to know if --</p> <p>12 So what you're telling me is there's a</p> <p>13 formal referral and then maybe a less formal</p> <p>14 referral, but there certainly was communication</p> <p>15 with the DEA about a particular account by</p> <p>16 Purdue.</p> <p>17 A That's correct.</p> <p>18 Q And if that took place, that would be</p> <p>19 in the notes of the database, but it wouldn't</p> <p>20 necess- -- I couldn't -- if I just asked to see</p> <p>21 which -- which pharmacies or retail accounts were</p> <p>22 referred to the DPA -- DEA by this designation,</p> <p>23 complete, comma, referred, that wouldn't -- that</p> <p>24 wouldn't give me all the times that you</p> <p>25 communicated to the DEA.</p>
<p style="text-align: right;">Page 287</p> <p>1 Do you see that?</p> <p>2 A I do.</p> <p>3 Q And, as you sit here today, at least as</p> <p>4 of the time you left Purdue, the only occasions</p> <p>5 where an order was designated as suspicious and</p> <p>6 reported to the DEA was the incident with</p> <p>7 Mr. Geraci when he did a written report to the</p> <p>8 DEA on a single pharmacy or group of pharmacies</p> <p>9 in Las Vegas and the instance where Robin Abrams</p> <p>10 went to the DEA office in Virginia and reported</p> <p>11 on a decrease in OxyContin sales to the DEA.</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to form.</p> <p>14 MS. CONROY:</p> <p>15 Q Is that -- is that your best memory?</p> <p>16 MR. HOFFMAN:</p> <p>17 Object to form. I believe it misstates</p> <p>18 the record.</p> <p>19 A I probably need to clarify more. I --</p> <p>20 I'd be thinking in terms of a -- an official</p> <p>21 referral document type of a report. In terms of</p> <p>22 reporting to DEA, it's the definition of report.</p> <p>23 We spoke -- I personally, and also others in the</p> <p>24 organization, spoke to and reported activity to</p> <p>25 DEA routinely.</p>	<p style="text-align: right;">Page 289</p> <p>1 A It would not give you all the times.</p> <p>2 Q I'd have to look at the database.</p> <p>3 A I'm not sure that's included in the</p> <p>4 database.</p> <p>5 Q What?</p> <p>6 A You know, routine conversations</p> <p>7 with -- with DEA. They're just too numerous</p> <p>8 to -- you know, to capture sometimes. As I</p> <p>9 mentioned before, that may have been the goal,</p> <p>10 but, you know...</p> <p>11 Q Would it be fair to say it would be a</p> <p>12 start?</p> <p>13 A I'm sorry, though. A start --</p> <p>14 Q If -- if -- if you wanted to know at</p> <p>15 least some of the instances where someone on the</p> <p>16 order monitoring committee contacted the DEA</p> <p>17 about a suspicious retail account, they</p> <p>18 were -- the goal was, at least, to put that into</p> <p>19 the notes of the database; correct?</p> <p>20 A That's the goal, yeah.</p> <p>21 Q And it might be emails as well;</p> <p>22 correct?</p> <p>23 A Might be. Might be, yes.</p> <p>24 Q And -- and then there'd be phone</p> <p>25 conversations, and there would be no way to track</p>

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1 those phone conversations. Is that correct?  
2 A I think that's accurate.  
3 Q So the only place left, to me, to check  
4 that is the database and the emails at Purdue;  
5 correct? Is there anywhere -- is there any other  
6 written record of that?  
7 A Not that I know of.  
8 Q And the people that would be closest to  
9 this are the members of the order monitoring  
10 committee; correct?  
11 A That's correct.  
12 Q Those are the individuals that would be  
13 tasked with having any conversation with DEA  
14 officers, correct, about these --  
15 A Well --  
16 Q -- particular suspicious retail  
17 accounts?  
18 A These being the ones that we've  
19 earmarked within the system?  
20 Q Yes.  
21 A Right.  
22 Q I'm not talking about just any kind of  
23 account. I'm talking about, once you've  
24 earmarked these, you have a -- you have a  
25 protocol that you're following and you have

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1 particular procedures that are followed by the  
2 different members of the committee, by what  
3 department they are, and you would -- and each  
4 one has a particular procedure they're following.  
5 But if they're contacting a DEA agent,  
6 they're contacting a DEA agent about that  
7 suspicious retail account as a function of their  
8 position on the order monitoring committee.  
9 Correct?  
10 A And/or their function as the chief  
11 security officer or executive director of CSA  
12 compliance, yeah. I -- I don't mean to get  
13 in --  
14 Q I understand that. But if -- but if  
15 you're identifying them as suspicious orders as  
16 part of this SOP, then I would expect that to be  
17 a rather -- a more formal procedure than if  
18 someone in corporate security had a conversation  
19 with a DEA agent about a nonsuspicious retail  
20 account, just because there was something  
21 happening.  
22 Once -- once it rises to the level of  
23 being a targeted or triggered suspicious retail  
24 account, then any conversations with a DEA agent  
25 about that account are part of this standard

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1 operating procedure, correct?  
2 MR. HOFFMAN:  
3 Object to form.  
4 MS. CONROY:  
5 Q Or should be?  
6 MR. HOFFMAN:  
7 Object to the form.  
8 A We try to capture the formal system as  
9 well -- as well as we could. But if I personally  
10 was talking to a DEA agent because I had  
11 relationships with people throughout the field in  
12 DEA or they happened to call me, I -- I may, in  
13 fact, say, "Oh, by the way," and then go on from  
14 there. This is the type of relationship that you  
15 have with -- with field personnel, shall I say.  
16 That's -- might be conversations to an  
17 investigator. Is it a report? Will it become a  
18 report later?  
19 I -- I'm not trying to -- I'm -- I'm  
20 just trying to say to you there are many times  
21 I've talked to DEA, and -- and I'm sure it's not  
22 captured in that database.  
23 MS. CONROY:  
24 Q Okay. And I'm trying to figure out  
25 whether I need to ask you, for days on end, every

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1 possible memory you have about speaking to a DEA  
2 agent that may, in fact, have been about a  
3 suspicious retail account, or can I rely, in some  
4 part, on produced suspicious order monitoring  
5 system and their protocol that there was at least  
6 an attempt to log conversations with DEA agents,  
7 communications with distributors, and anything  
8 else about the suspicious retail accounts that  
9 were tar- -- that were -- that were triggered?  
10 MR. HOFFMAN:  
11 Object to the form.  
12 A May I use one of the exhibits that you  
13 gave me?  
14 MS. CONROY:  
15 Q Of course.  
16 A That is Exhibit -- whatever it is --  
17 Number 8.  
18 Q Uh-huh.  
19 A Sitting here, I don't know for a fact  
20 if -- if that pharmacy was reported to the DEA by  
21 the wholesaler involved with -- with the,  
22 you know, with the input from Purdue.  
23 I -- I don't know that it was  
24 formally -- you'd find it in the system as being  
25 referred. What you'd find is that's in a report

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1 and -- and -- and, in a meeting with DEA, that  
 2 might have been one of 15 pharmacies that was  
 3 discussed with them, see.  
 4 "By the way," (indicating), okay?  
 5 So that -- that's all I mean.  
 6 "And if you need any help from us, we  
 7 have information that we can -- we can work  
 8 together on this."  
 9 Q And that's what you'd say to the DEA.  
 10 A Yes.  
 11 Q And you would also say that to your  
 12 authorized distributors.  
 13 A I would personally say that. I'd say,  
 14 "Look, I talked to them about this, that whole  
 15 area," you know.  
 16 Q Do you have individuals at the DEA that  
 17 you talk to regularly, agents that you know their  
 18 names and you would talk to them?  
 19 A There aren't too many left.  
 20 Q Okay. Any that I would recognize --  
 21 any that you --  
 22 Would you also email them?  
 23 MR. HOFFMAN:  
 24 Sorry. Are you asking now or back at  
 25 this time?

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1 MS. CONROY:  
 2 When he was at Purdue.  
 3 Q I'm assuming that's what you mean when  
 4 you say there are not that many left. You're  
 5 talking about they're still not at the DEA now.  
 6 A Right.  
 7 I -- I would send emails to some, yes.  
 8 Q And who -- who are the ones that you  
 9 can remember those --  
 10 What names do you recall?  
 11 A Well, I distinctly remember Jane  
 12 Tomko -- she had a hyphenated name -- Griffin.  
 13 Griffith, Griffin. And she was in Las Vegas.  
 14 That -- that's one example.  
 15 Q Anyone else you recall?  
 16 A Well, people at headquarters. Agents  
 17 who may have asked me questions, I don't remember  
 18 their names.  
 19 There were pockets of investigators  
 20 that I would have talked to. Whether or not I  
 21 emailed, I mean, I don't know, but --  
 22 Q Okay.  
 23 A -- I -- I spoke to contacts  
 24 from -- from Boston to Los Angeles.  
 25 Q No. I just was curious if there were

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1 any that, you know --  
 2 One obviously sticks in your head. I  
 3 just wondered if there were others.  
 4 Is -- is your wife a DEA agent?  
 5 A Formerly.  
 6 Q And what was --  
 7 A Retired.  
 8 Q And what was her --  
 9 Did -- did she have anything to do with  
 10 controlled substances, or what were her  
 11 responsibilities, generally?  
 12 A Her title was Group Supervisor,  
 13 Columbia, South Carolina, resident office.  
 14 Q And what does a group supervisor do?  
 15 MR. GOLDMAN:  
 16 Give a very, very broad description.  
 17 A She would supervise inspections and  
 18 investigations involving compliance with the  
 19 Controlled Substances Act and the Code of Federal  
 20 Regulations or violations thereof.  
 21 MS. CONROY:  
 22 Q And was there any restriction? Could  
 23 she be in charge or be a part of an investigation  
 24 of Purdue or any of its manufacturing facilities?  
 25 And I'm talking about while -- while -- while you

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1 were there.  
 2 A Right. I understand.  
 3 Her geographical area of responsibility  
 4 was the state of South Carolina. We -- we didn't  
 5 have any facilities there. So, generally  
 6 speaking, no, she was not.  
 7 Q And what about any retail accounts in  
 8 South Carolina or authorized distributors in  
 9 South Carolina? Was there any prohibition,  
 10 because she was your spouse, to having anything  
 11 to do with any investigations with anything to do  
 12 with Purdue within her geographic territory?  
 13 A Prohibition by who?  
 14 Q By the DEA.  
 15 A None.  
 16 Q Any on the part of Purdue?  
 17 A No.  
 18 Q So you could have a conversation, for  
 19 example, with her about a particular retail  
 20 pharmacy you were concerned about?  
 21 A That never happened, so I -- I suppose  
 22 I could, but I didn't.  
 23 Q That's what I'm saying. There's  
 24 no -- there's nothing that said that she couldn't  
 25 have anything to do with where her spouse was



<p style="text-align: right;">Page 298</p> <p>1 employed?</p> <p>2 A I could reach out to her like any other</p> <p>3 DEA employee, in -- in my opinion.</p> <p>4 Q Okay. Did you ever seek any advice</p> <p>5 from her while you were at Purdue about how a DEA</p> <p>6 agent would view something or another?</p> <p>7 A I don't remember anything specific.</p> <p>8 Q Do you remember anything generally?</p> <p>9 A I -- I'm sure we had general</p> <p>10 discussions of frustrations, whatever. But, you</p> <p>11 know...</p> <p>12 Q Did you ever forward to her any issues</p> <p>13 that were coming up at Purdue about particular</p> <p>14 pharmacies or distributors or give her a tip</p> <p>15 about any pharmacies or distributors?</p> <p>16 A She was quite good at getting her own</p> <p>17 tips. Yeah.</p> <p>18 I'm not trying to be smart.</p> <p>19 Don't believe so.</p> <p>20 Q If it had looked like something that</p> <p>21 would have been useful with respect to</p> <p>22 identifying or getting more information about a</p> <p>23 suspicious activity at a retail level or an</p> <p>24 authorized distributor, would there be any reason</p> <p>25 you wouldn't contact her to get more information</p>	<p style="text-align: right;">Page 300</p> <p>1 Q And who was -- do you know Douglas</p> <p>2 Robinson?</p> <p>3 A I don't know him personally. He -- he</p> <p>4 took the place of George Euson for about one year</p> <p>5 at H.D. Smith as the director of security.</p> <p>6 Q Okay. And, in this email, you -- you</p> <p>7 send Mr. Robinson excerpts from the Rannazzisi</p> <p>8 letters and you -- you offer your -- you talk</p> <p>9 about the emerging interpretation of the DEA</p> <p>10 letters, you give him some examples, and I</p> <p>11 believe somewhere you offered -- you say, at the</p> <p>12 end, "Our primary focus is to help you protect</p> <p>13 your registration and your business in general</p> <p>14 and especially in distributing our products.</p> <p>15 We're very appreciative of your work in assuring</p> <p>16 that our medicine reaches our patients in an</p> <p>17 appropriate manner and in a timely fashion. I</p> <p>18 look forward to our next discussion and will</p> <p>19 provide more direct background if you would</p> <p>20 like."</p> <p>21 Do you see that?</p> <p>22 A I'm sorry. I heard it, and -- and I</p> <p>23 kind of zoned out on what page it was, so...</p> <p>24 Q Very end of the letter, you know, it</p> <p>25 basically sounds like you're saying to</p>
<p style="text-align: right;">Page 299</p> <p>1 if you thought she had it?</p> <p>2 A I probably would have thought closely</p> <p>3 whether or not there would be any kind of a</p> <p>4 conflict. But I wouldn't preclude myself from</p> <p>5 doing that.</p> <p>6 Q Okay. Do you have any other family</p> <p>7 members that are DEA agents?</p> <p>8 A I do not.</p> <p>9 Q And she's retired now?</p> <p>10 A Retired, yes.</p> <p>11 Q Is she part of your consultancy</p> <p>12 business?</p> <p>13 A No. I wish she was. No, she's not.</p> <p>14 No.</p> <p>15 (CROWLEY EXHIBIT NUMBER 12</p> <p>16 WAS MARKED FOR IDENTIFICATION.)</p> <p>17 MS. CONROY:</p> <p>18 Q I'll show you what's been marked as</p> <p>19 Exhibit 12. This is PPLPC018000240260, and this</p> <p>20 is an email from you to Richard Widup at the --</p> <p>21 at the top, but if you go in a bit, you have</p> <p>22 a -- you attach an email to Douglas Robinson at</p> <p>23 H.D. Smith.</p> <p>24 Do you -- do you see that?</p> <p>25 A I do.</p>	<p style="text-align: right;">Page 301</p> <p>1 Mr. Robinson that you appreciate his business and</p> <p>2 you're there if he has any questions.</p> <p>3 THE WITNESS:</p> <p>4 Oh, I'm sorry.</p> <p>5 MR. HOFFMAN:</p> <p>6 She's looking at page 0265 at the</p> <p>7 bottom.</p> <p>8 A Yeah, 0265. Five. Oh. I think this</p> <p>9 one's a -- oh, I'm sorry. I went too far.</p> <p>10 (Reading.)</p> <p>11 Yes, I -- I see that.</p> <p>12 MS. CONROY:</p> <p>13 Q Okay.</p> <p>14 A Yes.</p> <p>15 Q And I -- I -- I see from the -- the</p> <p>16 cover email to this that Mr. Robinson didn't get</p> <p>17 back to you after you sent that email to him.</p> <p>18 Do you know if -- did you -- I know and</p> <p>19 I've seen several emails between you and</p> <p>20 Mr. Euson at H.D. Smith. Did you develop a</p> <p>21 relationship with Mr. Robinson?</p> <p>22 A Not really, because he was not in that</p> <p>23 position that long.</p> <p>24 Q Did someone replace him? Do you know?</p> <p>25 Or this was in 2008. Who replaced Mr. Robinson,</p>



<p style="text-align: right;">Page 302</p> <p>1 if you recall?</p> <p>2 A Eventually, George Euson went back</p> <p>3 there, but I think there was a person in</p> <p>4 the -- in the middle, Tracy Hernandez -- and</p> <p>5 sometimes I've seen her name hyphenated, Tracy</p> <p>6 Hernandez-Norton, I think. Yeah.</p> <p>7 Q And then you -- you think Mr. Euson</p> <p>8 went back to H.D. --</p> <p>9 A He did. I know he did. Yeah.</p> <p>10 Q Okay. And, so, then you continued</p> <p>11 having communication with him, with Mr. Euson?</p> <p>12 A I certainly did if -- if he came back</p> <p>13 before I left in 2012, which I think he did.</p> <p>14 So...</p> <p>15 Q Okay.</p> <p>16 A Yeah.</p> <p>17 Q Can put that one away.</p> <p>18 A But I'm actually not sure when he came</p> <p>19 back. I'm sorry.</p> <p>20 Q It will be -- there are -- there are</p> <p>21 records of those kind of things.</p> <p>22 A Oh, okay.</p> <p>23 (CROWLEY EXHIBIT NUMBER 13</p> <p>24 WAS MARKED FOR IDENTIFICATION.)</p> <p>25 MS. CONROY:</p>	<p style="text-align: right;">Page 304</p> <p>1 individual, would have certain measures of</p> <p>2 effectiveness, and this is one -- one of them.</p> <p>3 Q And --</p> <p>4 A I'm sorry. Yeah. Go ahead.</p> <p>5 Q Did you ever -- did you ever see a</p> <p>6 measure of effectiveness of the order monitoring</p> <p>7 system?</p> <p>8 MR. HOFFMAN:</p> <p>9 Object to the form.</p> <p>10 A I -- I need to read this, so if -- if</p> <p>11 you can bear with me.</p> <p>12 MS. CONROY:</p> <p>13 Q Yep. Absolutely.</p> <p>14 A I -- I -- I see it.</p> <p>15 I was generally aware of this.</p> <p>16 Q Do you know if there were measures of</p> <p>17 effectiveness or if somebody had a scorecard</p> <p>18 about this or whether somebody was -- was grading</p> <p>19 the effectiveness of the order monitoring system?</p> <p>20 A I think that that may be the case, that</p> <p>21 there was a scorecard by someone. Whether it was</p> <p>22 Giselle Issa, I -- you know, I'm not the type of</p> <p>23 individual who would let that, you know, dictate</p> <p>24 to me what I try to accomplish, so...</p> <p>25 Q No, I wasn't -- I wasn't suggesting</p>
<p style="text-align: right;">Page 303</p> <p>1 Q I'll show you Exhibit 13, which is</p> <p>2 PPLPC023000371445, just a one-page document.</p> <p>3 This is from you to Gina Limer. Do you recall</p> <p>4 who she was?</p> <p>5 A Limer.</p> <p>6 Q Limer.</p> <p>7 A She -- she was my assistant.</p> <p>8 Q Okay.</p> <p>9 A Administrative assistant, I think,</p> <p>10 is the term.</p> <p>11 Q Okay. And this is dated Wednesday,</p> <p>12 April 5th -- I'm sorry. Yeah. Wednesday,</p> <p>13 April -- May 4th of 2011. And it's called OMS</p> <p>14 (order monitoring system) Measures of</p> <p>15 Effectiveness (MOE).</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q What -- what was an MOE or what</p> <p>19 did -- tell -- do you have a memory about what</p> <p>20 that was? Because I want to ask you to describe</p> <p>21 it for me.</p> <p>22 A I think the company had -- or was</p> <p>23 developing and perfecting a -- a more robust</p> <p>24 system of gauging, just as it says, effectiveness</p> <p>25 of whatever. And each unit, if not each</p>	<p style="text-align: right;">Page 305</p> <p>1 that.</p> <p>2 A Yeah.</p> <p>3 Q I just mean were you -- were you</p> <p>4 familiar that as sort of some corporate exercise</p> <p>5 that was potentially being done?</p> <p>6 A I think so.</p> <p>7 Q And --</p> <p>8 A Yes.</p> <p>9 Q And if it was being done, was it being</p> <p>10 done through the general counsel's office, if --</p> <p>11 if it involved Giselle Issa?</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to the form. Foundation.</p> <p>14 A Well, she would have been part of it.</p> <p>15 It may have been passed up to someone else in</p> <p>16 some kind of a committee. Right.</p> <p>17 MS. CONROY:</p> <p>18 Q Did you have a memory of what kind of</p> <p>19 committee would do this kind of audit or measure</p> <p>20 of effectiveness?</p> <p>21 A I -- I -- I don't.</p> <p>22 Q Okay. You can put that away.</p> <p>23 I have a number of exhibits here.</p> <p>24 Those are yours, 14 --</p> <p>25 Through what?</p>

<p style="text-align: right;">Page 306</p> <p>1 MS. FITZPATRICK:  2 26.  3 MS. CONROY:  4 Q -- 26. And then that's your set.  5 MR. GOLDMAN:  6 Oh, thank you.  7 MS. FITZPATRICK:  8 Here are the other sets.  9 MS. CONROY:  10 Okay.  11 (CROWLEY EXHIBIT 14 THROUGH 26  12 WERE MARKED FOR IDENTIFICATION.)  13 MS. CONROY:  14 Q I'm not gonna ask you about these  15 individually, but I want you to take a look at  16 Exhibits 14 through 26. And these appear to me  17 to be your emails and communications with  18 Purdue's authorized distributors talking about  19 issues that you may be seeing as part of the  20 order monitoring triggers. So --  21 MR. HOFFMAN:  22 And you're not asking him if it's all  23 of them. Just to identify if that's what they  24 are?  25 MS. CONROY:</p>	<p style="text-align: right;">Page 308</p> <p>1 And in the first -- in the second or  2 maybe third paragraph you say, "On a side note,  3 I'd love to speak with you or your colleagues who  4 are involved with the suspicious order monitoring  5 program. We can collaborate with Cardinal on  6 issues about our products, and we have recently  7 developed our own order monitoring system that  8 reaches down to the retail customer."  9 Do you see that?  10 A I do.  11 Q And you go on. You say, "Since the  12 retail customer is really your customer" --  13 Meaning Cardinal; correct?  14 A Correct.  15 Q -- "I refer to this as knowing our  16 customer's customer. And since you are our  17 customer, I feel that it is very important for  18 Purdue to collaborate with and support you on any  19 accounts we might feel require further  20 assessment, et cetera. This isn't a situation  21 where we would be questioning you,  22 et cetera -- nay, nay -- this is a support  23 function for industry to do the right thing,  24 support itself and each other, protect itself  25 from overzealous regulators, and ensure that the</p>
<p style="text-align: right;">Page 307</p> <p>1 No. I'm gonna go -- I'm gonna go --  2 Q I'm not expecting you to identify them.  3 It's that -- what I'm -- I was just giving you a  4 general explanation of what I've just given to  5 you.  6 Let's see. Which one is it? If you go  7 to -- take a look at Exhibit 17, for example.  8 MR. HOFFMAN:  9 What's the Bates number on that one?  10 MS. CONROY:  11 That is CAH_MDL2804_00824045 through  12 50.  13 Q And that is an email from you  14 concerning the New Jersey work group meeting  15 notice to Charles Forsaith and Greg Halvac.  16 Do you see that?  17 A Yeah. At the bottom of page 045?  18 Q That's right.  19 And if you'll look at the top, Greg  20 Halvac is at Cardinal. You can tell by his  21 email address.  22 A That's right.  23 Q And if you look at your email, you say,  24 "Hello, Greg. Glad to meet you on email. I hope  25 to meet you in person soon."</p>	<p style="text-align: right;">Page 309</p> <p>1 patients receive their appropriate medication in  2 a timely fashion."  3 Do you see that?  4 A I do.  5 Q And do you -- you stand by what you  6 said there?  7 A Beginning with "this isn't a situation  8 where we would be questioning you"?  9 Q Well, it's all your --  10 A Yeah.  11 Q It's all what you said, so not  12 necessarily beginning but --  13 A All right.  14 Q -- you stand by this is what you were  15 offering to Cardinal --  16 A Right.  17 Q -- to collaborate with them and discuss  18 any assessments about any of their retail  19 accounts?  20 A To -- to a person I didn't really know  21 who -- who's vice president of security.  22 Q Did you get to know him?  23 A Met him once or twice, yeah.  24 Q Okay. And then you say, "I'd like to  25 discuss that with you to see if we can support</p>

<p style="text-align: right;">Page 310</p> <p>1 each other in the," quote, "DEA-created mess."          2 Do you see that?          3 A I do.          4 Q And by that, are you talking about the          5 Rannazzisi letters?          6 A I -- I would have been talking about          7 that, yes.          8 Q And did you meet Mr. --          9 A Halvac?          10 Q -- Halvac at a -- a New Jersey          11 industry work group meeting?          12 A I think I met him at a different          13 meeting. I -- I don't think he ever was able to          14 come to a New Jersey industry meeting.          15 Q Did you attend New Jersey industry work          16 group meetings?          17 A Each one that I could, yes.          18 Q Okay.          19 A Usually twice a year.          20 Q It -- it says here -- and if you look          21 on page 046, there's an email from Gina cc'ing          22 you about a New Jersey industry work group          23 meeting notice that says, "Hello, New Jersey DEA          24 controlled substances compliance colleagues."          25 And you say, "We have 20 attendees who</p>	<p style="text-align: right;">Page 312</p> <p>1 Are you familiar with that?          2 A Yes, I am.          3 Q Have you been there before?          4 A That one time.          5 Q And are you familiar with that          6 business, the Cegedim/Dendrite business?          7 A I'm familiar with Buzzeo PDMA, as he          8 calls it, which is a part of Cegedim/Dendrite.          9 Q Do you know if Purdue ever purchased          10 any data or other information from either          11 Cegedim/Dendrite or Buzzeo PDMA?          12 A I don't.          13 Q Do you know if Purdue ever purchased          14 any data or information from any company owned by          15 Ron Buzzeo?          16 A I don't.          17 Q Do you know the kind of data they had          18 for sale?          19 A I -- I really don't.          20 Q Okay.          21 A No.          22 Q Do you know what kind of services they          23 had for sale?          24 A Well, certainly DEA compliance          25 services, all aspects.</p>
<p style="text-align: right;">Page 311</p> <p>1 have confirmed." Or Gina says. "It was the goal          2 of the planning committee to have 30 to 35          3 attendees for the first meeting of the New Jersey          4 industry work group on June 5th from 10:00 to          5 3:00."          6 Do you see that?          7 A I do.          8 Q When you attended, was that about how          9 many -- do you think you had somewhere between 20          10 and 35 attendees?          11 A My recollection would be yes. Yep.          12 Q Then it says, "Please note, Ron Buzzeo          13 graciously offered to host the first meeting so          14 that we could get the group up and running."          15 Do you know Ron Buzzeo?          16 A I do.          17 Q And how do you know him?          18 A He at one time was the deputy -- his          19 title would have been Deputy Director, Office of          20 Diversion Control. He was the number two          21 official at DEA in the Office of Diversion          22 Control.          23 Q "And the inaugural meeting will take          24 place at Cegedim," C-E-G-E-D-I-M, "Dendrite          25 headquarters."</p>	<p style="text-align: right;">Page 313</p> <p>1 Q Do you know if --          2 A Right. Go ahead.          3 Q Do you know if those services were ever          4 utilized by any of Purdue's authorized          5 distributors?          6 A I don't know.          7 Q Take a look at Exhibit 18, which is an          8 email -- well, it's Allergan_MDL_02128065 through          9 072. And if you look on the first page --          10 Did you find that exhibit?          11 A I did.          12 Q Great.          13 On the first page, there's an email          14 from you to Noemi Rebeco. Do you see that?          15 A I do.          16 Q Do you recall her?          17 A Not at this moment, no.          18 Q Okay. You say, "We did not use a          19 consulting group to design our own program but          20 utilized specialists from our IT group from the          21 sales business side with input from various          22 stakeholders."          23 Do you see that?          24 A I do.          25 Q And you're talking about the creation</p>

<p style="text-align: right;">Page 314</p> <p>1 of the OMS database and -- and suspicious order  2 monitoring program; correct?  3 A Yes.  4 Q And you say, "We have met with our  5 customers, our wholesalers, and made agreements  6 with them to discuss certain accounts when  7 appropriate. We also get their sales data for  8 our products through contract agreement which is  9 fed into our order monitoring system database."  10 That's the fee for service agreements;  11 correct?  12 A Yes.  13 Q "Our relationship with our own  14 customers, wholesalers in the area of mutual  15 support for order monitoring is key for us."  16 Do you see that?  17 A I do.  18 Q And then you're suggesting Ron Buzzeo  19 if she would prefer to use a consultant. Do you  20 see that?  21 A I do.  22 Q Did you typically suggest Ron Buzzeo  23 to --  24 Well, let me ask you this first. Was  25 Allergan an authorized distributor for Purdue?</p>	<p style="text-align: right;">Page 316</p> <p>1 February 29th of 2012. And do you recall  2 Ed Hazewski?  3 A I do.  4 Q It's H-A-Z-E-W-S-K-I?  5 A He pronounces it "He-Zes-ski."  6 Q Hazewski.  7 And what -- what position, or best you  8 can describe for me, did he hold at  9 AmerisourceBergen?  10 A He was the director of order -- their  11 order monitoring service, system, or group.  12 Q And did you have -- did you have  13 contact with him over your tenure at Purdue?  14 A I did.  15 Q And was -- AmerisourceBergen was an  16 authorized distributor for Purdue?  17 A I'm sorry?  18 Q Was an authorized distributor for  19 Purdue?  20 A Yes, yes.  21 Q AmerisourceBergen was an authorized  22 distributor?  23 A Yes.  24 Q And what -- if -- if you'll look at  25 these, there's a -- it looks like you have</p>
<p style="text-align: right;">Page 315</p> <p>1 A I don't think so. I think Allergan was  2 a manufacturer. I -- I'm sorry. I think -- I'm  3 looking at Actavis. Where's Allergan?  4 Q Oh, I'm sorry. That's on the -- it is  5 Actavis. I think it's now called Allergan. But  6 it was Actavis at the time that you were sent  7 this email.  8 A I don't believe that they were.  9 I -- I'm not familiar with having a relationship  10 as manufacturer to distributor with them.  11 Q Okay. You can put that one away.  12 MR. GOLDMAN:  13 Do you want to take a break?  14 THE WITNESS:  15 We can keep going if you want.  16 MS. CONROY:  17 Q Yeah. Let me just finish up with  18 these. I just have a few questions about these,  19 and we'll identify them, then take a break.  20 MR. HOFFMAN:  21 Okay.  22 MS. CONROY:  23 Q Exhibit 19, ABC -- ABDCMDL00301700  24 through 0703. And this is an email from you to  25 Edward Hazewski at AmerisourceBergen dated</p>	<p style="text-align: right;">Page 317</p> <p>1 forwarded to Mr. Hazewski in February an article  2 from USA Today. Do you see that?  3 A I see it.  4 Q And why were you telling Mr. Hazewski  5 that -- something about Ruth Carter?  6 A Well, we like to keep up to date with  7 people in responsible positions at DEA  8 headquarters or in the field, diversion program  9 managers or whatnot that you might have to deal  10 with.  11 Q So you were just -- this was just part  12 of your kind of back and forth with Mr. Hazewski  13 just to make sure that he knew about this?  14 A That's right.  15 Q And this would be an example of some of  16 the communications you may have with distributors  17 that may or may not make it on to the OMS  18 database? This would just be something outside  19 of the suspicious order monitoring?  20 A Is it -- for the sake of time, is this  21 all from --  22 Q It's all the article, yeah.  23 A All the article?  24 Q It's all the article.  25 A Yeah, that would be outside the system.</p>

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1 Q Okay. You can put that one away.  
2 Take a look at Exhibit 21  
3 CAH\_MDL2804\_01724159 through 160. This concerns  
4 a Purdue-Cardinal meeting on November 28th of  
5 2012. And the email, you are -- you are on the  
6 email, but it comes from Giselle Issa, and  
7 there's an agenda attached.  
8 Do you have a memory of this meeting  
9 taking place at the end of November of 2012?  
10 A Yes.  
11 Q And what was -- what do you recall the  
12 purpose of this meeting?  
13 A To meet the new team that was in place  
14 at Cardinal for their order monitoring service  
15 system.  
16 Q And why was there a new team?  
17 A Perhaps retirement, reassignment. I  
18 really don't know.  
19 Q Okay. And the attendees for Purdue  
20 Pharma were the, looks like, at least, most of  
21 the members of the order monitoring committee;  
22 correct?  
23 A Yes.  
24 Q And this is an instance where Cardinal  
25 explained what their due diligence system was

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1 like? Is that fair?  
2 A A discussion on each other's role,  
3 whether we're not -- whether or not we get into  
4 the nuts and bolts of their system, probably in a  
5 broad sense, yes, I guess it's fair.  
6 Q And where it says -- it looks like the  
7 order monitoring manufacturer/distributor  
8 collaboration, there are a number of bullet  
9 points. The first one, Cardinal talks about  
10 updated changes to the due diligence system.  
11 Further down, Purdue, you have a general outline  
12 of your order monitoring system. Do you see  
13 that?  
14 A I do.  
15 Q And then there's a bullet point,  
16 collaboration of efforts and mutual support.  
17 Would that be with respect to mutual support  
18 communication with respect to suspicious orders  
19 that Purdue was identifying that potentially  
20 involved Cardinal's retail outlets, or retail  
21 accounts?  
22 A Yes. Or -- or -- or the other way.  
23 Yes.  
24 Q And they're providing information up to  
25 you?

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1 A It's possible. Yes.  
2 Q And, as part of that collaboration and  
3 mutual support, is this where you would have  
4 reiterated the Purdue policy that you would  
5 inform Cardinal before you would report any of  
6 their retail accounts or retail pharmacies to the  
7 DEA?  
8 MR. GOLDMAN:  
9 Objection.  
10 MR. HOFFMAN:  
11 Object to the form.  
12 A I -- I personally would always at least  
13 verbally communicate that that was the goal, that  
14 there would be -- have to be agreement. That --  
15 whether or not that was said formally by Robin or  
16 anyone else, I don't know.  
17 MS. CONROY:  
18 Q Would it typically be your practice  
19 yourself or would Robin say, "If you do report  
20 one -- if you, Cardinal, report one of your  
21 retail pharmacies to the DEA, we would like to  
22 know about it"?  
23 A She may have done that, or Giselle.  
24 Yeah. May have.  
25 Q There would be -- it was nothing

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1 controversial about that; correct? You -- there  
2 was no reason why you, Purdue, would not feel  
3 entitled to know if Cardinal had reported one of  
4 its outlets or retail outlets to the DEA;  
5 correct?  
6 MR. HOFFMAN:  
7 Object to form.  
8 MR. PYSER:  
9 Object. I'm going to object on that  
10 prior question as well.  
11 A My own personal view and my  
12 recollection and memory, there's nothing  
13 controversial about that.  
14 MS. CONROY:  
15 Q Because if you were -- if you were  
16 gonna communicate with -- with Cardinal or any  
17 other authorized distributor before you were  
18 going to report their customers to the DEA, you  
19 were just looking for the same courtesy back;  
20 that if they actually reported those customers,  
21 that they let you know.  
22 A Generally speaking, yeah.  
23 Q And -- and what was the reason? Why  
24 would you want to know at Purdue if Cardinal or  
25 one of your other authorized distributors



<p style="text-align: right;">Page 322</p> <p>1 reported one of their retail pharmacies to the 2 DEA?</p> <p>3 A In my opinion, several reasons. One 4 would be to note that in -- in our file so you 5 could complete-refer it or close out or 6 something.</p> <p>7 And the other one would be, from my 8 perspective, in continuing due diligence, to 9 sooner or later find out what other wholesaler 10 might have picked up that business.</p> <p>11 Q Right. Because you would want to be 12 able to then say to the next wholesaler that you 13 would -- who would then be an authorized 14 wholesaler for Purdue products, "Hey, we just had 15 a problem with this pharmacy, with Cardinal or 16 whoever it was as the authorized distributor. 17 Keep your eyes open."</p> <p>18 A I think that's accurate.</p> <p>19 Q And did you have occasions when that 20 happened or you can recall generally that that 21 happened?</p> <p>22 MR. HOFFMAN:</p> <p>23 Object to form.</p> <p>24 A I -- I think it did happen. I would 25 have to dig a little bit to think, but I would</p>	<p style="text-align: right;">Page 324</p> <p>1 sure. I can make sure these are -- exhibits are 2 identified for the record without taking the time 3 to read in the Bates numbers.</p> <p>4 MR. GOLDMAN:</p> <p>5 Okay. Thank you.</p> <p>6 VIDEOGRAPHER:</p> <p>7 We are now going off the video record. 8 The time is currently 5:54 p.m. This is the end 9 of media number 5.</p> <p>10 (OFF THE RECORD.)</p> <p>11 VIDEOGRAPHER:</p> <p>12 We are now back on the video record 13 with beginning of media number 6. The time is 14 currently 6:07 p.m.</p> <p>15 MS. CONROY:</p> <p>16 Q Mr. Crowley, did I understand your 17 testimony today that, although it's not something 18 you would actually have been able to go and get, 19 you had Region 0 physician lists available to you 20 on the order monitoring committee; correct?</p> <p>21 A I don't agree with that. I'd have to 22 completely -- I would have to ask for it or be 23 provided with some of it. I don't think I ever 24 had access to the whole list.</p> <p>25 Q Well, let me -- let me phrase it a</p>
<p style="text-align: right;">Page 323</p> <p>1 say it happened, yes.</p> <p>2 MS. CONROY:</p> <p>3 Q And that would be also one of the 4 functions of the order monitoring database, that 5 if -- if you had some type of a reference in 6 there to Cardinal referring one of their -- one 7 of the pharmacies to the DEA, hopefully that 8 would pop up again if you were looking at another 9 wholesaler that was -- that was supplying to that 10 pharmacy?</p> <p>11 MR. PYSER:</p> <p>12 Object to form.</p> <p>13 A Hopefully.</p> <p>14 MS. CONROY:</p> <p>15 Q Right. But that's where it would show 16 up; right?</p> <p>17 A If the annotation was made.</p> <p>18 Q Right.</p> <p>19 A Yeah.</p> <p>20 Q Well, always assuming that.</p> <p>21 A If.</p> <p>22 Q We can put that one away.</p> <p>23 Want to take a break, and I can 24 identify --</p> <p>25 Did we hit every one of these? I'm not</p>	<p style="text-align: right;">Page 325</p> <p>1 little differently.</p> <p>2 A Okay.</p> <p>3 Q Did you have a reason to believe, if 4 you had asked for a -- a list of Region 0 5 physicians as of November of 2012, that you would 6 not receive it?</p> <p>7 A I -- I have no reason to believe that 8 would be the case. I would have received it.</p> <p>9 Q And did you ever have occasion to use a 10 Region 0 list or reason to use the names of 11 physicians that appeared on that list with 12 respect to any of the investigations you were 13 conducting with particular pharmacies as part of 14 your suspicious order monitoring?</p> <p>15 MR. HOFFMAN:</p> <p>16 Object to form.</p> <p>17 A I may have. That would not have been a 18 primary reason that I initiated a further study 19 or investigation of a particular physician. They 20 may have also happened to be on Region 0, which I 21 would find out later, I mean, right.</p> <p>22 MS. CONROY:</p> <p>23 Q Okay. What about with respect to a 24 pharmacy? Would you ever look or see if they 25 were -- if there was a Region 0 physician or more</p>

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1 than one Region 0 physician in the area of a  
2 pharmacy that you were investigating?  
3 A A case-by-case basis, that may have  
4 happened, yes.  
5 Q And -- and would it be fair to say, on  
6 a case-by-case basis, that may be relevant to you  
7 if there was a pharmacy across the street from a  
8 Region 0 physician?  
9 A I -- I think it could be relevant, yes.  
10 Q But that would be something case by  
11 case?  
12 A Yes.  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]  
25 [REDACTED]

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1 A Coventry, Rhode Island. Yes.  
2 Q -- and affiliated in some fashion with  
3 Purdue Pharma.  
4 A That's correct.  
5 Q Right.  
6 Did you ever -- did you ever institute  
7 a suspicious order monitoring program with  
8 respect to its supply of product? I'm not  
9 talking about its -- I'm not talking about the  
10 manufacturing part of the company.  
11 A I did not.  
12 Q Okay. Do you know if anyone else ever  
13 has?  
14 A I do not.  
15 Q Do you know who the authorized  
16 distributors are for Rhodes?  
17 A The -- are we speaking of Rhodes  
18 Pharmaceuticals, I believe it is?  
19 Q That's one of the -- that's one of the  
20 corporate names, yes.  
21 A One of them? Okay.  
22 Towards the time that I was leaving,  
23 shall I say, or my last period of time, a year or  
24 two -- may have been longer, but I don't think  
25 so -- that company was trying to develop the

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1 [REDACTED]  
2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]  
5 [REDACTED]  
6 [REDACTED]  
7 [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 Q Did you ever implement a suspicious  
12 order monitoring program with respect to supply  
13 of Purdue product coming from Rhodes?  
14 MR. GOLDMAN:  
15 Objection.  
16 MR. HOFFMAN:  
17 Object to the form.  
18 MR. GOLDMAN:  
19 Go ahead.  
20 A Rhodes?  
21 MS. CONROY:  
22 Q Rhodes, the company. I -- there are a  
23 number of different names: Rhodes Technologies,  
24 Rhodes -- several. It's in -- located in  
25 Rhode Island and --

1 ability to sell generic oxycodone and  
2 maybe -- maybe something else, morphine. I -- I  
3 don't remember.  
4 They did not have the ability to  
5 distribute, so their authorized distributor was  
6 going to be Purdue Pharmaceuticals in Wilson,  
7 North Carolina, which would have been used sort  
8 of the same way a third-party, you know,  
9 distributor would be used.  
10 So I -- I'm -- I'm generally aware of  
11 that. Don't know how long that would have taken  
12 place.  
13 Q And you don't know one way or the other  
14 whether or not, at Rhodes Pharmaceuticals, there  
15 was a suspicious order monitoring program set up  
16 to determine whether or not the retail accounts  
17 where the product was going were triggering as  
18 unusual or however the suspicious order  
19 monitoring algorithm would have worked?  
20 MR. HOFFMAN:  
21 Object to form.  
22 A I -- I -- I don't have direct  
23 knowledge, no.  
24 MS. CONROY:  
25 Q Do you not know one way or the other

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1 whether there was a suspicious order monitoring  
 2 program in place?  
 3 A I -- I remember discussions, but not to  
 4 the extent that I was involved in it.  
 5 Q Okay. And did you ever have  
 6 discussions at Wilson about a suspicious order  
 7 monitoring program being set up if, in fact,  
 8 Wilson was going to become a distributor of  
 9 Purdue products or Rhodes Pharmaceuticals'  
 10 products?  
 11 A I really do not.  
 12 Q Did Purdue have affiliations or own any  
 13 other distribution arms other than Wilson? And  
 14 I -- I don't mean to characterize Wilson that  
 15 way, but...  
 16 A At -- at the time of --  
 17 Q When you were there.  
 18 A While I was there.  
 19 The facility at Totowa, New Jersey,  
 20 P.F. Labs, was still technically registered at  
 21 that time, so potentially that could have been.  
 22 But, no, they did not have another  
 23 distribution facility, no.  
 24 Q Do you know if Totowa in New Jersey had  
 25 a suspicious order monitoring program in place?

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1 A I believe they had a suspicious order  
 2 monitoring program that was broad and general,  
 3 and by the time these guidelines started to come  
 4 out, that -- that facility was in the process of  
 5 being phased out, so...  
 6 Q Okay.  
 7 (CROWLEY EXHIBIT NUMBER 28  
 8 WAS MARKED FOR IDENTIFICATION.)  
 9 MS. CONROY:  
 10 Q Let me show you what I've marked as  
 11 Exhibit 28, which is PPLPC031000423- --  
 12 A Oh, yeah. I'm sorry.  
 13 Q -- -731 through 734. This is an email  
 14 from you to Adam Fein. But what I'm actually  
 15 gonna ask you about is way toward the end, which  
 16 you are asking Dr. Fein at pembrokeconsulting.com  
 17 if he would publish your blog comment anonymously  
 18 rather than how it went in as Big Jack Krack,  
 19 with a K.  
 20 Did you -- did you have a blog?  
 21 A No, I did not. No.  
 22 Q What was -- what was Dr. Fein's blog  
 23 about, generally?  
 24 A He has a very comprehensive blog on  
 25 matters relating to pharmacy operations and

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1 distribution.  
 2 Q Do you still read his blog?  
 3 A It -- it appears in my email. Don't  
 4 always read it. I haven't got the time.  
 5 Q And did you provide comments to the  
 6 blog anonymously during the time you were at  
 7 Purdue? This -- this email is around March of  
 8 2008, when you asked to be -- you asked your  
 9 comments to be anonymous. But did you, after  
 10 this date, submit comments to Dr. Fein's blog?  
 11 A After this, no.  
 12 Q And why is that?  
 13 A I never had the --  
 14 Why did I ever not comment on any of  
 15 his --  
 16 I -- I didn't think -- feel the need, I  
 17 guess.  
 18 Q Okay.  
 19 A Yeah.  
 20 Q Do you -- do you comment on blogs, any  
 21 other blogs?  
 22 A The only other blogs that I comment on  
 23 have to do with the Boston College sports.  
 24 Q My mother's an Eagle.  
 25 A Oh, really.

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1 Q And my brother's a double Eagle. No,  
 2 he's a triple Eagle. So that's a good blog.  
 3 (CROWLEY EXHIBIT NUMBER 29  
 4 WAS MARKED FOR IDENTIFICATION.)  
 5 MS. CONROY:  
 6 Q Let me hand to you Exhibit 29, which is  
 7 PPLPC018000310389. I'm sorry. 88 to 89. I have  
 8 it backwards.  
 9 This appears to be, starting on August  
 10 6th of 2009, an email from Bill Mahoney at  
 11 McKesson to you saying, "I know neither one of us  
 12 is a doctor, but would you consider prescription  
 13 of 330 OxyContin, 80 milligrams, and 390  
 14 oxycodone, 30 milligrams, to a single patient on  
 15 a monthly basis to be for a medical purpose?"  
 16 Do you see that?  
 17 A I first heard it. I'm sorry. I  
 18 was --  
 19 Q Go to page 89. That's --  
 20 A Yeah. I'm sorry.  
 21 Q Yep. And Bill Mahoney --  
 22 A Yes.  
 23 Q -- at McKesson's --  
 24 A Yes.  
 25 Q -- asking you a question about --

<p style="text-align: right;">Page 334</p> <p>1 A I see it.</p> <p>2 Q Okay. And then you get back to him and</p> <p>3 you say, "Hello, Bill. I'm not comfortable with</p> <p>4 those amounts. I'd be curious why the doctor is</p> <p>5 writing those and why the pharmacist is filling."</p> <p>6 And then you kind of go through a whole</p> <p>7 calculation about what that would actually mean</p> <p>8 practically.</p> <p>9 And you say you would get -- "I'll get</p> <p>10 you a better medical opinion as soon as I can,</p> <p>11 but this does not appear to be a legitimate</p> <p>12 medical purpose on its face."</p> <p>13 Do you see that?</p> <p>14 A Spoken as a compliance person, yes. I</p> <p>15 see it.</p> <p>16 Q Okay. Did you often get questions like</p> <p>17 that, if you can recall, from distributors or</p> <p>18 others about what you would consider a suspicious</p> <p>19 prescription?</p> <p>20 MS. SIDARTH:</p> <p>21 Objection to the form.</p> <p>22 A No. Not this type of a question, no.</p> <p>23 MS. CONROY:</p> <p>24 Q Okay.</p> <p>25 (CROWLEY EXHIBIT NUMBER 30</p>	<p style="text-align: right;">Page 336</p> <p>1 A I don't.</p> <p>2 (CROWLEY EXHIBIT NUMBER 31</p> <p>3 WAS MARKED FOR IDENTIFICATION.)</p> <p>4 MS. CONROY:</p> <p>5 Q Let me show you what I've marked as</p> <p>6 Exhibit 31, PPLPC023000234301 through 303. And</p> <p>7 here you -- this is a continuation a couple of</p> <p>8 days later to Mr. Bill Mahoney, and you tell him</p> <p>9 when used appropriately --</p> <p>10 You say, first of all, "Would you like</p> <p>11 to discuss this with Purdue Medical Services?"</p> <p>12 Do you see that?</p> <p>13 A I do.</p> <p>14 Q And then you say, "I have seen the</p> <p>15 study that describes the maximum dose of</p> <p>16 OxyContin tablets."</p> <p>17 Do you see that?</p> <p>18 A I do.</p> <p>19 Q And where did you receive the study</p> <p>20 describing the maximum dose of OxyContin tablets?</p> <p>21 A I don't recall. Would -- would have to</p> <p>22 rely on this chain here.</p> <p>23 Q Would that be something you would have</p> <p>24 had in your office or would it be likely</p> <p>25 something that Dr. Haddox provided you with?</p>
<p style="text-align: right;">Page 335</p> <p>1 WAS MARKED FOR IDENTIFICATION.)</p> <p>2 MS. CONROY:</p> <p>3 Q Now let me give you Exhibit 30, which</p> <p>4 is PPLPC022000271055 through 56. And it looks</p> <p>5 like you forward the question about 330</p> <p>6 OxyContin, 80 milligrams, and 390 oxycodone, 30</p> <p>7 milligrams, to a single patient to Dr. David</p> <p>8 Haddox.</p> <p>9 Do you see that?</p> <p>10 A I do.</p> <p>11 Q And Dr. Haddox tells you to give him a</p> <p>12 call, puts his number there.</p> <p>13 Do you see that?</p> <p>14 A I do.</p> <p>15 Q Do you know Dr. Haddox?</p> <p>16 A Yes.</p> <p>17 Q Is he someone that you would</p> <p>18 communicate with regularly?</p> <p>19 A No.</p> <p>20 Q Why is it that you went to Dr. Haddox</p> <p>21 with this question?</p> <p>22 A Well, he was a qualified medical</p> <p>23 director of our -- in our company.</p> <p>24 Q And do you recall whether or not you</p> <p>25 did have a telephone conversation with him?</p>	<p style="text-align: right;">Page 337</p> <p>1 A It would not have been in my office,</p> <p>2 no.</p> <p>3 Q Would it be reasonable to believe</p> <p>4 that -- that it's something that you received</p> <p>5 from Dr. Haddox?</p> <p>6 MR. HOFFMAN:</p> <p>7 Object to form.</p> <p>8 A It's reasonable to believe that I</p> <p>9 received it from someone in Medical Services.</p> <p>10 Possibly from him, but I can't be certain.</p> <p>11 MS. CONROY:</p> <p>12 Q Okay. And then you go on to tell Bill</p> <p>13 Mahoney, "When used appropriately, there is no</p> <p>14 established or fixed upper limit on the dosage of</p> <p>15 full, single-entity opioid agonists such as</p> <p>16 oxycodone."</p> <p>17 Do you see that?</p> <p>18 A Yes.</p> <p>19 Q Is that information you would have</p> <p>20 received from someone or is that something that</p> <p>21 you would have known and been able to type?</p> <p>22 A I would have received that from</p> <p>23 someone.</p> <p>24 Q Do you typically use the term "opioid</p> <p>25 agonist"?</p>

<p style="text-align: right;">Page 338</p> <p>1 A I don't, no.</p> <p>2 Q Do you know what that is?</p> <p>3 A Generally.</p> <p>4 Q Okay. And did you know that there --</p> <p>5 or did you understand that there was no</p> <p>6 established or fixed upper limit on the dosage of</p> <p>7 full, single-entity opioid agonists such as</p> <p>8 oxycodone?</p> <p>9 A Not generally, no.</p> <p>10 Q Was that a surprise to you, that</p> <p>11 there -- there was no limit on the dose?</p> <p>12 MR. HOFFMAN:</p> <p>13 Object to the form.</p> <p>14 A Not completely. But I would look at</p> <p>15 that as more of an academic research paper.</p> <p>16 MS. CONROY:</p> <p>17 Q Did -- did you read the study, Maximum</p> <p>18 Dose of OxyContin Tablets, or were you just</p> <p>19 referencing it for Mr. Mahoney?</p> <p>20 A Oh, I was just referencing it</p> <p>21 to -- to -- to show that, you know, it's not easy</p> <p>22 to answer that question as a compliance person,</p> <p>23 so...</p> <p>24 Q Okay. If you look further down at the</p> <p>25 fifth paragraph, it says, at the last sentence,</p>	<p style="text-align: right;">Page 340</p> <p>1 percentages, would that have been something that</p> <p>2 was provided to you and then you cut and pasted</p> <p>3 it and put it into an email to McKesson?</p> <p>4 A I think that's right.</p> <p>5 Q Okay. And then where you say at the</p> <p>6 bottom of the page "The pharma should --</p> <p>7 pharmacist should have ample documentation on</p> <p>8 such a patient, in my opinion, and would have to</p> <p>9 defend his professional reasons for filling those</p> <p>10 prescriptions," do you see that?</p> <p>11 A I do.</p> <p>12 Q And on what is -- is that based that a</p> <p>13 pharmacist should have ample doc- -- ample</p> <p>14 documentation on such a patient? What kind of</p> <p>15 documentation are you talking about?</p> <p>16 A Documentation from the prescriber on a</p> <p>17 treatment plan, goals, what the level of</p> <p>18 medication would be, what the long- -- short-term</p> <p>19 and long-term plan is to treat this patient, why</p> <p>20 would a patient be on the high end of the -- of</p> <p>21 the spectrum, so to speak.</p> <p>22 In other words, how can you justify</p> <p>23 this? We need your professional opinion because</p> <p>24 we're nonprofessionals looking at this.</p> <p>25 Q And is it your understanding that a</p>
<p style="text-align: right;">Page 339</p> <p>1 "This patient would be receiving a daily dose,"</p> <p>2 quote, "at the highest end for sure."</p> <p>3 Do you see that?</p> <p>4 A I do.</p> <p>5 Q Would you have had an understanding at</p> <p>6 that time of what a high-end dose would be? For</p> <p>7 example, did you know whether there were other</p> <p>8 higher doses out there?</p> <p>9 MR. HOFFMAN:</p> <p>10 Objection.</p> <p>11 A It was the number of tablets times the</p> <p>12 milligram. So only what I read that what the</p> <p>13 range is, 80 milligrams to 1360 milligram.</p> <p>14 MS. CONROY:</p> <p>15 Q Did you have an understanding that that</p> <p>16 range --</p> <p>17 So when you're -- the median daily dose</p> <p>18 of OxyContin was 120 milligrams, is that coming</p> <p>19 from the study that describes the maximum dose of</p> <p>20 OxyContin tablets?</p> <p>21 A That may have been a corresponding</p> <p>22 document. I -- I don't recall. I'm sorry.</p> <p>23 Q Would this -- would the -- would the</p> <p>24 substance of this email about the median daily</p> <p>25 dose and the eight clinical trials and the</p>	<p style="text-align: right;">Page 341</p> <p>1 pharmacist presented with a legitimate</p> <p>2 prescription would not fill such a prescription</p> <p>3 unless they had a treatment plan or some</p> <p>4 understanding in addition to the size of the</p> <p>5 prescription or the -- the -- the dose and the</p> <p>6 volume of the prescription?</p> <p>7 MR. HOFFMAN:</p> <p>8 Object to form.</p> <p>9 A I would say that should be the --</p> <p>10 should be the professional standard. Whether or</p> <p>11 not a pharmacist would fill a prescription</p> <p>12 without such a thing, I -- I really don't know.</p> <p>13 MS. CONROY:</p> <p>14 Q Well, what --</p> <p>15 Have you ever seen that, a pharmacist</p> <p>16 that has a treatment plan? Is that something</p> <p>17 you're familiar with?</p> <p>18 A Generally speaking, yes.</p> <p>19 Q Okay. And -- and how are you familiar</p> <p>20 with that?</p> <p>21 A I think I have, in my experience, seen</p> <p>22 some, but I've also studied up on it. I've</p> <p>23 become aware of what -- what -- what the standard</p> <p>24 should be for -- for managing pain patients and</p> <p>25 so forth.</p>



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1 Q And when did you study up on that?

2 A Sometime during my employment at

3 Purdue.

4 Q So, during your employment at Purdue,

5 you studied up on what -- the parameters of

6 prescribing for a pain patient -- prescribing a

7 controlled substance?

8 A My understanding of the parameters

9 might -- might be different than yours, so I'd

10 have to apologize. But what should be included

11 in a treatment plan in order to prescribe levels

12 of -- of a -- of an opioid.

13 Q Right.

14 What I'm talking about is when you said

15 "I've studied up on it, I've become aware of what

16 the standing should be for managing pain patients

17 and so forth." So --

18 A I -- I'm sorry. Where is that?

19 Q That's what you said a few minutes ago.

20 A Oh, oh, oh, oh.

21 Q And, so, I'm -- I'm -- that's what I'm

22 asking you about. Where did you -- where did you

23 get that understanding while you were at Purdue?

24 What -- what were you -- what were you looking at

25 or studying to become aware of the standing for

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1 managing pain patients and so forth?

2 MR. HOFFMAN:

3 Objection to form.

4 A I'm a Google type person, Internet

5 person, so I would con- -- consult sources from

6 American Medical Society, American Society of

7 Addiction Medicine, whatever like that; that that

8 would be my main thing.

9 MS. CONROY:

10 Q Would you look at the American Pain

11 Society?

12 A I may have, yes.

13 Q The American Pain Foundation?

14 A I don't know what that is, so I don't

15 know.

16 Q Okay. But you would -- your studying

17 would have included -- you would have -- you

18 would have Googled how to manage pain patients or

19 something like that?

20 A Professional standards for -- for that,

21 yes.

22 Q And do you recall any other instances

23 when you informed any of the authorized

24 distributors about what would or would not be an

25 appropriate prescription?

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1 MR. HOFFMAN:

2 Object to the form.

3 A I do not, and I don't think I did.

4 MS. CONROY:

5 I think my time is up.

6 MR. GOLDMAN:

7 Okay.

8 VIDEOGRAPHER:

9 We are now going off the video record.

10 The time is currently 6:34 p.m.

11 (OFF THE RECORD.)

12 VIDEOGRAPHER:

13 We are now back on the video record.

14 The time is currently 6:48 p.m.

15 EXAMINATION

16 BY MR. PYSER:

17 Q Good afternoon, or I guess evening,

18 Mr. Crowley. My name is Stephen Pyser. I

19 represent Cardinal Health.

20 Before today, have we ever spoken or

21 met?

22 A No, to my knowledge.

23 Q I don't remember either.

24 Earlier today, counsel for the

25 plaintiffs presented you Exhibit 4. Do you have

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1 Exhibit 4 in front of you?

2 A I do.

3 Q Okay. And it's -- it's been a while.

4 Can you remind us what Exhibit 4 is, where it

5 came from?

6 A It's a document that lists excerpts

7 from two letters from DEA, Joseph Rannazzisi, and

8 with some emerging interpretation at the bottom

9 of that, and it came from my personal file.

10 Q So these are some notes you kept on

11 your file -- in your files?

12 A That's correct.

13 Q Okay. And, at the bottom in

14 particular, you had a piece about emerging

15 interpretation, 2008 through 2012, in

16 parentheses; right?

17 A Yes.

18 Q I'm gonna ask you a couple questions

19 about that. But, generally speaking, in this

20 time period, 2007 and 2008, was DEA broadening

21 their guidance for registrants, meaning

22 distributors and manufacturers?

23 MS. CONROY:

24 Objection.

25 A That -- that was my impression. I

<p style="text-align: right;">Page 346</p> <p>1 mean, they're trying to -- I guess that's a good  2 word, "broaden."  3 MR. PYSER:  4 Q Well, let's go back to what the  5 regulation is. The original regulation is -- or  6 the regulation --  7 A Right.  8 Q -- for suspicious order monitoring  9 reporting, that's 21 CFR 1301.74(b). Are you  10 familiar with that?  11 A Yes, I am.  12 Q And that -- the actual language of the  13 regulation hasn't changed since the 1970s; right?  14 A It's never changed.  15 Q But, over time, since it was  16 established in the 1970s, has DEA periodically  17 issued new guidance or interpretations of how  18 distributors and manufacturers should act?  19 MS. CONROY:  20 Objection.  21 A This was the only guidance type letter  22 that I'm -- letters that I'm familiar with DEA  23 ever sending out to any entire industry of  24 manufacturers and distributors.  25 The --</p>	<p style="text-align: right;">Page 348</p> <p>1 fair -- is that a fair description of -- of how  2 you saw the Rannazzisi letters?  3 A Yes.  4 Q And, just to be clear, did you see the  5 Rannazzisi letters as an expansion of the plain  6 language of the regulation?  7 A That's the way I -- I would describe  8 it. That's my understanding, yes.  9 Q At the bottom of the -- of the first  10 page of your notes, there's this section,  11 emerging interpretation, 2008 through 2012.  12 A Could I back up for a second?  13 It's an expansion, but it's a goal. I  14 mean, was it -- I don't have to say anything  15 else.  16 It -- it's -- I think I -- I believe I  17 said earlier DEA was asking for industry's help  18 and they're giving more information, more  19 guidance; but it is, in fact, an expansion,  20 right.  21 Q Thank you for that --  22 A Okay.  23 Q -- clarification.  24 So in your notes, you -- you write  25 "Emerging interpretation, 2008 through 2012 and</p>
<p style="text-align: right;">Page 347</p> <p>1 Excuse me.  2 So to say "periodically," I don't think  3 would be accurate. These -- these are more  4 unique.  5 MR. PYSER:  6 Q So these letters, the 2007 Rannazzisi  7 letter --  8 A Right.  9 Q -- that was a set of guidance for  10 industry. Is that fair?  11 MS. CONROY:  12 Objection.  13 A I think that was the intention, yes.  14 MR. PYSER:  15 Q And earlier today you were  16 testifying -- I guess counsel was asking you some  17 questions -- you said -- and I'm quoting from the  18 rough transcript as to the Rannazzisi letters --  19 quote, "The first thing I noticed was that it was  20 an expansion of the plain language of the  21 regulation."  22 Do you remember discussing that?  23 A I remember discussing it. I don't  24 remember that I -- actual --  25 Q But that -- that's a -- that's a</p>	<p style="text-align: right;">Page 349</p> <p>1 present."  2 Do you see that?  3 A Yes.  4 Q And I want to go to the -- the next  5 page and look at a couple of your comments in  6 particular or your notes on this.  7 The last three, you said in your notes,  8 quote, "Must conduct an independent analysis of  9 suspicious orders prior to completing sale."  10 Do you see that?  11 A I do.  12 Q Okay. And this was part of this  13 expansion or emerging interpretation, as you  14 described it in your notes. Is that right?  15 A Yes. It may have -- this actual  16 language may have come after that letter. I -- I  17 really don't know without seeing the -- the  18 entire letter.  19 Q But it's sometime in this time period,  20 this 2007-'8 time period. Is that fair?  21 MS. CONROY:  22 Objection.  23 A 2007 -- well, later. I think -- I  24 think I have 2008 to 2012.  25 MR. PYSER:</p>

<p style="text-align: right;">Page 350</p> <p>1 Q Okay. So this -- this piece of it, you  2 understood that this was an emerging -- excuse  3 me -- an emerging interpretation as of roughly  4 2008. Is that fair?  5 MS. CONROY:  6 Objection.  7 MR. PYSER:  8 Q It's part of what you put in your  9 notes. Is that right?  10 A Right. But that particular bullet may  11 have come after 2008. But it's fair to say it  12 came in 2008 or later, no later than 2012. Yeah.  13 Q And, similarly, the -- the second  14 bullet, "Know your customers, don't rely on rigid  15 formulas," that's also part of this new emerging  16 interpretation that you put in your notes -- is  17 that right? -- in this time period?  18 A That language may have been included in  19 one of these two letters, if not both, so it was  20 a reiteration of the advice, "Don't rely only on  21 a rigid formula."  22 Q So you're -- and when you say  23 "reiteration," you're reiterating something that  24 DEA had recently said in one of these two  25 letters. Is that -- is that fair?</p>	<p style="text-align: right;">Page 352</p> <p>1 also a part of these emerging interpretations?  2 A Yes, that is.  3 Q Just to -- to set us in time and place,  4 this -- in 2008, you'd been doing compliance  5 consulting or work for Purdue for about seven  6 years after you left DEA by that point?  7 A Yes. About, yeah.  8 Q So -- and you'd retired from DEA in  9 what year?  10 A 2001.  11 Q After how many years?  12 A Twenty-eight and a half.  13 Q I want to just ask you about one other  14 document we saw earlier. This is gonna be -- if  15 you go into the stack in front of you, it's gonna  16 actually be Number 17. So I think it's -- it's  17 maybe the next one.  18 There you go.  19 A Okay.  20 Q And Exhibit 17 is an email between you  21 and someone at Cardinal Health. Do you see that?  22 A I do.  23 Q Now, you were asked some questions  24 about this email in particular. You were asked a  25 couple of questions about how Purdue and</p>
<p style="text-align: right;">Page 351</p> <p>1 A DEA or -- or other consulting groups or  2 anyone who may have made comments to -- some law  3 firms.  4 Q But my -- my point, I think, is --  5 A Right.  6 Q -- just a little bit simpler than that.  7 A Okay.  8 Q It's that wherever exactly your -- your  9 note came from, that "Know your customers, don't  10 rely on rigid formulas," that was something that  11 was being discussed in the industry as an  12 emerge -- as you described it, an emerging  13 interpretation roughly in this time period. Is  14 that right?  15 A That's --  16 MS. CONROY:  17 Objection.  18 A That's right. That's my understanding,  19 yeah.  20 MR. PYSER:  21 Q And same thing for the -- for the last  22 bullet point, "Do not fill suspicious orders  23 without first determining that order is not being  24 diverted into other than legitimate medical,  25 scientific, and industrial channels." That's</p>	<p style="text-align: right;">Page 353</p> <p>1 manufacturers were gonna work with distributors  2 to aid each other in anti-diversion efforts. Do  3 you recall that line of questioning?  4 A I'm sorry. I was concentrating on  5 this.  6 I think I do. But should you repeat it  7 maybe?  8 Q Sure.  9 A I'm sorry.  10 Q Do you recall answering --  11 No. Not a problem at all.  12 Do you recall answering some questions,  13 when you were looking at this email, about how  14 distributors and manufacturers such as Purdue  15 were going to work with each other in their  16 anti-diversion efforts?  17 A Yes.  18 MS. CONROY:  19 Objection.  20 MR. PYSER:  21 Q And did Purdue take steps, in this time  22 period around 2008, to work with distributors in  23 their joint anti-diversion efforts?  24 A In this time period?  25 Q Around 2008.</p>

<p style="text-align: right;">Page 354</p> <p>1 A I -- I would recollect -- recall that 2 the answer to that is yes. 3 Q And there was one part of this email 4 that, while you were being examined by 5 plaintiff's counsel, you didn't speak to, and I 6 wanted to draw your attention to that. 7 This is an email from you to some folks 8 at Cardinal Health dated June 2nd, 2008. It's 9 the bottom half of the email on the first page. 10 There you go. Sorry. The first page 11 with writing on it. 12 A Okay. 13 Q And if you go there to the second 14 paragraph that begins "Here's the latest 15 reminder." 16 A Yes. 17 Q Okay. You mention that, "I have known 18 Steve Reardon for years, and I have a very high 19 regard for your company." 20 Do you see that language? 21 A Yes. 22 Q Who is Mr. Reardon? 23 A He was a vice president in charge of 24 compliance, I think was his title, at Cardinal in 25 Dublin, Ohio.</p>	<p style="text-align: right;">Page 356</p> <p>1 Purdue, and now is my chance to ask you some 2 questions. Okay? 3 A Yes. 4 Q Do you have in front of you Exhibit 27? 5 A I do. 6 Q Okay. I want to start there. And, for 7 the record, Exhibit 27 is a November 29, 2012, 8 email that attaches a March 23, 2009, SOP on the 9 order management system. Is that correct? 10 A Yes, that's correct. 11 Q Okay. And I know you -- you had quite 12 an extensive discussion with plaintiff's counsel 13 earlier. I just want to go back and talk about a 14 few aspects of this with you, if we could. 15 Turning to the page Bates ending 16 2466 -- 17 A Yes. 18 Q -- you may recall earlier today there 19 was quite a bit of discussion about whether it 20 was the policy of Purdue to reach agreement with 21 wholesalers and distributors before reporting to 22 or referring to DEA. 23 Do you recall that? 24 A Yes. 25 Q If we go through some aspects of this</p>
<p style="text-align: right;">Page 355</p> <p>1 Q And when you say you'd known him for 2 years, does that even date back prior to 2001 3 or -- 4 A Yes. 5 Q So you've known him for years, 6 including the time when you were at DEA; right? 7 A That's correct. 8 Q And, just to be clear, when you say "I 9 have a very high regard for your company," what 10 company are you speaking about there? 11 A Cardinal. 12 MR. PYSER: 13 Thank you very much, sir. 14 No further questions. 15 VIDEOGRAPHER: 16 We are now going off the record. The 17 time is currently 7:00 p.m. 18 (OFF THE RECORD.) 19 VIDEOGRAPHER: 20 We are now back on the video record. 21 The time is currently 7:04 p.m. 22 EXAMINATION 23 BY MR. HOFFMAN: 24 Q Good evening, Mr. Crowley. My name is 25 Nathan Hoffman. For the record, I represent</p>	<p style="text-align: right;">Page 357</p> <p>1 SOP, I've highlighted the sections that I'd like 2 to discuss with you. 3 At the top there, do you see where it 4 says "Follow-Up from the OMS committee may 5 include a discussion with the authorized 6 distributor"? Do you see that? 7 A I do. 8 Q And it says, "If a referral is to be 9 made to the Drug Enforcement Administration 10 (DEA), that will be handled by CSA compliance." 11 Is that right? 12 A I see that. That's right. 13 Q And that would be you and CSA 14 compliance. Is that fair? 15 A That's right. 16 Q Okay. And the language here is the 17 follow-up "may" include a discussion. Is that 18 right? 19 A That's correct. 20 Q It then goes on to talk about notifying 21 the distributors if a retail account is in 22 question. 23 Do you see that? 24 A Yes. 25 Q Then, at the bottom, it also discusses</p>

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1 near the end of this process, after the reviewing  
2 team is looking at all of this information, it  
3 says, "It will then discuss and perform next  
4 steps, as appropriate, and coordinate its  
5 assessment with the authorized distributor."  
6 Do you see that?  
7 A I do.  
8 Q And is it fair to say that's always the  
9 goal of the SOP is to have that type of  
10 coordination with the wholesaler or distributor?  
11 MS. CONROY:  
12 Objection.  
13 A I believe -- I believe so.  
14 MR. HOFFMAN:  
15 Q And, then, going over to the next page,  
16 under "Filing Suspicious Order Reports," you had  
17 some discussion with plaintiff's counsel about  
18 this section as well, and I want to call your  
19 attention to the second sentence. It says, "Once  
20 a determination that an order is suspicious has  
21 been made, a phone call to report the order to  
22 the local DEA office is recommended to meet this  
23 requirement."  
24 Do you see that?  
25 A I do.

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1 Q And I believe you had some discussion  
2 with plaintiff's counsel about formal referrals  
3 versus less formal conversations, discussions,  
4 and reports that you may have had with the DEA.  
5 Do you recall that?  
6 A Yes, I do.  
7 Q And correct me if I'm wrong, but I  
8 believe earlier today you described those  
9 conversations -- I guess those ongoing  
10 conversations with DEA agents as somewhat  
11 routine. Is that fair?  
12 A I think that's accurate.  
13 MS. CONROY:  
14 Objection.  
15 MR. HOFFMAN:  
16 Q Okay. As part of your routine duties  
17 and discussions with DEA agents, did you always  
18 reach agreement with the wholesalers and  
19 distributors or notify them of each and every  
20 discussion that you were having with DEA?  
21 A I would say no. I tried to inform them  
22 afterwards.  
23 Q Okay.  
24 A Right.  
25 Q Is there any way for you to quantify,

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1 sitting here today, even ballparking over your  
2 years at Purdue, how many discussions you would  
3 have had as part of your routine duties with DEA  
4 agents as part of the suspicious order monitoring  
5 program?  
6 A Probably several hundred, at least.  
7 And that's conservative.  
8 Q Okay. You mentioned, I believe, some  
9 examples, at least a couple of examples, maybe  
10 more, when you recalled Purdue referring retail  
11 pharmacies to DEA without necessarily having a,  
12 you know, a specific agreement or -- I don't know  
13 how I can characterize it -- I guess a specific  
14 agreement with wholesalers or distributors. Do  
15 you recall that?  
16 A I -- I think so. I do.  
17 Q And I believe one of the examples you  
18 mentioned was after the reformulation of  
19 OxyContin, you noticed at Purdue, you and your  
20 colleagues in the suspicious order monitoring  
21 program noticed that certain pharmacies, their  
22 orders of the reformulated OxyContin had fallen  
23 off substantially, perhaps greater than 75  
24 percent.  
25 Do you recall that?

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1 A I do.  
2 Q And, just so we're clear on the record,  
3 when we say the reformulation of OxyContin, what  
4 did that reformulation entail or what was the  
5 purpose of it?  
6 A The purpose was to --  
7 MS. CONROY:  
8 Objection.  
9 A -- make the tablet much more, if not  
10 impossible, to crush or snort, if I could say it  
11 that way.  
12 MR. HOFFMAN:  
13 Q Okay. So what, if anything, would a  
14 pharmacy's decrease in orders, substantial  
15 decrease, perhaps over 50 percent, 75 percent,  
16 whatever the quantification is, why would that be  
17 significant in the context of the reformulation  
18 of OxyContin as you've described it?  
19 MS. CONROY:  
20 Objection.  
21 A Would -- may or would indicate that  
22 patients of those pharmacies were not interested  
23 in the new product.  
24 MR. HOFFMAN:  
25 Q Because of being more difficult to



<p style="text-align: right;">Page 362</p> <p>1 abuse? Is that fair to say?</p> <p>2 MS. CONROY:</p> <p>3 Objection.</p> <p>4 A I think that's fair to say.</p> <p>5 MR. HOFFMAN:</p> <p>6 Q Okay.</p> <p>7 (CROWLEY EXHIBIT NUMBER 32</p> <p>8 WAS MARKED FOR IDENTIFICATION.)</p> <p>9 MR. HOFFMAN:</p> <p>10 Q Let me hand you what I've marked as</p> <p>11 Exhibit 32 to your deposition. I'll ask you to</p> <p>12 take a look at Exhibit 32. And after you've had</p> <p>13 a chance to review it, can you tell me whether or</p> <p>14 not this is the referral to DEA that you</p> <p>15 referenced earlier in your testimony in 2011</p> <p>16 regarding slow pharmacies after the reformulation</p> <p>17 of OxyContin?</p> <p>18 A I -- it is, yes. That's -- that's what</p> <p>19 it is.</p> <p>20 Q Okay. So here is the email, Exhibit</p> <p>21 32. It is dated Friday, October 7, 2011.</p> <p>22 Do you see that?</p> <p>23 A I do.</p> <p>24 Q And it is from -- looks like it's from</p> <p>25 you to somebody at usdoj.gov. Do you see that?</p>	<p style="text-align: right;">Page 364</p> <p>1 recollection that you were involved in at least</p> <p>2 one of those meetings?</p> <p>3 A It does. I think I was mixed up on my</p> <p>4 previous answer, and I'd like to correct that. I</p> <p>5 apologize. Yeah.</p> <p>6 Q It goes on to talk about how the list</p> <p>7 was compiled and some of the criteria that were</p> <p>8 used. And I believe earlier today there was just</p> <p>9 a number thrown out there of 150 pharmacies that</p> <p>10 met the criteria and were referred to DEA.</p> <p>11 Do you recall that?</p> <p>12 A I do.</p> <p>13 Q This document actually indicates that</p> <p>14 the total pharmacies that met the criteria is</p> <p>15 285.</p> <p>16 Do you see that?</p> <p>17 A I do.</p> <p>18 Q And, in fact, if we look at the</p> <p>19 exhibit, Exhibit 32, you see that it includes a</p> <p>20 list of each of those -- each of those 285</p> <p>21 pharmacies, as well as the criteria being used to</p> <p>22 evaluate those pharmacies?</p> <p>23 A I do.</p> <p>24 Q And, so, this was, in fact, the</p> <p>25 referral that you mentioned earlier in your</p>
<p style="text-align: right;">Page 363</p> <p>1 A I do.</p> <p>2 Q And can you tell us who that individual</p> <p>3 is?</p> <p>4 A Barbara Boockholdt at the time was the</p> <p>5 chief of the Regulatory Unit, Office of Diversion</p> <p>6 Control, one of the -- the staff members of --</p> <p>7 primary staff chiefs of Joe Rannazzisi.</p> <p>8 Q And, over time, had you been having</p> <p>9 ongoing conversations with Barbara, among others</p> <p>10 at DEA?</p> <p>11 A Yes.</p> <p>12 Q So this is somebody that you had some</p> <p>13 form of working relationship with?</p> <p>14 A Yes.</p> <p>15 Q If we look at the email, first</p> <p>16 sentence, it says, "Thank you very much for your</p> <p>17 time you and supervisory investigators Levin and</p> <p>18 Arnold spent with Robin and me on Tuesday."</p> <p>19 Do you see that?</p> <p>20 A I do.</p> <p>21 Q So I believe your testimony earlier</p> <p>22 today was that you didn't recollect being</p> <p>23 involved in these meetings with DEA; correct?</p> <p>24 A I recall I said that, yes.</p> <p>25 Q Does this help refresh your</p>	<p style="text-align: right;">Page 365</p> <p>1 testimony in 2011, and it involved 285 total</p> <p>2 retail pharmacies being referred to FDA.</p> <p>3 A DEA.</p> <p>4 Q DEA. I'm sorry. Maybe I'll -- let me</p> <p>5 strike that and I'll back up and re-ask my</p> <p>6 question. I do that sometimes.</p> <p>7 So Exhibit 32, was this, in fact, a</p> <p>8 referral that you mentioned earlier in your</p> <p>9 testimony in 2011, and it involved 285 total</p> <p>10 retail pharmacies being referred to DEA?</p> <p>11 A Yeah. The testimony I gave today about</p> <p>12 2011, yes.</p> <p>13 Q Yeah.</p> <p>14 Okay. Going now to Exhibit 8 --</p> <p>15 Do you have Exhibit 8 in front of you?</p> <p>16 A I do.</p> <p>17 Q Oh, I'm sorry. Before we move off of</p> <p>18 Exhibit 32, I had one more question I wanted to</p> <p>19 ask you.</p> <p>20 So there was -- there was a question</p> <p>21 posed or maybe a couple questions posed earlier</p> <p>22 today by plaintiff's counsel --</p> <p>23 I wrote it down and hope I captured it</p> <p>24 correctly.</p> <p>25 -- about touting the benefits or one of</p>

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1 the reasons to submit this information to FDA was  
2 to tout the benefits of reformulated OxyContin.  
3 Do you -- do you recall that?  
4 A I do.  
5 Q Is there -- is there any mention in  
6 this referral, in the email, or anywhere that you  
7 see about touting the benefits of reformulated  
8 OxyContin?  
9 A No.  
10 Q Okay. I'm sorry. Now going to Exhibit  
11 8, you had a series of discussions today with  
12 plaintiff's counsel regarding something referred  
13 to as "Region 0 prescribers." Do you recall  
14 that?  
15 A I do.  
16 Q And one of the sources of information  
17 for Region 0 prescribers that you were asked  
18 about was a list kept by Purdue in the ordinary  
19 course of business.  
20 Do you recall that?  
21 A Yes.  
22 Q Now, in addition to that list, does  
23 this particular report, which is dated October  
24 28, 2010, does it also mention that, based upon  
25 reports of concern, ROCs --

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1 Do you see that?  
2 A I do.  
3 Q -- ROCs from field sales force  
4 indicating the pharmacy was filling prescriptions  
5 written by Region 0 prescribers?  
6 Do you see that?  
7 A Yes.  
8 Q So would it be fair to say that's  
9 another source of information whereby Purdue  
10 could determine whether or not Region 0  
11 prescribers were filling prescriptions at a  
12 particular location; in other words, by the sales  
13 force telling Purdue that in a report of concern?  
14 A I'm sorry. It -- that's available to  
15 Purdue, that prescriptions written by Region 0  
16 prescribers, yes. That's --  
17 I hate to ask you to repeat the  
18 question, but I --  
19 Q I'm just asking if that would be one  
20 source --  
21 A Yeah.  
22 Q -- whereby Purdue could receive that  
23 information. We talked about the list, but I'm  
24 asking you now if a report of concern is another  
25 way where the sales force at the ground -- you

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1 know, on the ground, understanding doctors,  
2 under- -- interviewing, you know, local doctors  
3 and a pharmacist, for example, if they could come  
4 to that understanding that Region 0 doctors or  
5 Region 0 prescribers were filling prescriptions  
6 at a particular pharmacy.  
7 A That would be one source, yes.  
8 Q And then this report also mentions  
9 another source, at least, at this time, would be  
10 looking at the savings card information, the data  
11 that was being returned to FDA regarding savings  
12 card utilization.  
13 Do you see that?  
14 A Returned to DEA, yes. I mean -- I'm  
15 sorry.  
16 MS. CONROY:  
17 You said FDA.  
18 THE WITNESS:  
19 I'm sorry.  
20 MR. HOFFMAN:  
21 Q Did I say FDA again?  
22 MR. GOLDMAN:  
23 You said FDA, and you said DEA.  
24 THE WITNESS:  
25 Yeah. Yeah. We're all --

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1 MS. CONROY:  
2 Yes. I'm not sure you meant either one  
3 of them.  
4 THE WITNESS:  
5 We're all confused. We're all  
6 confused.  
7 MR. HOFFMAN:  
8 I'm sorry. It's late in the day.  
9 Thank you. Thank you for telling me that.  
10 THE WITNESS:  
11 Sure.  
12 MR. HOFFMAN:  
13 I apologize.  
14 Q Let me go back, and I'll try to re-ask  
15 the question.  
16 Then on the next page of this report,  
17 which is Bates 4665, it mentions another source  
18 of information provided to Purdue whereby Purdue  
19 could see at least at some level that Region 0  
20 prescribers were utilizing sales -- excuse  
21 me -- saving -- savings cards based on data that  
22 was being returned to Purdue. Is that right?  
23 A Yes.  
24 Q So we talked about at least three  
25 sources. Now we've talked about a list that was

<p style="text-align: right;">Page 370</p> <p>1 kept in the ordinary course, we talked about          2 reports of concern, and, at least in this          3 instance, we've also talked about the savings          4 card program whereby those data could be accessed          5 by Purdue. Is that fair?          6 A That's fair.          7 Q Now, going to Exhibit 5, which is the          8 L.A. Times article that plaintiff's counsel asked          9 you about, before we get into any specifics in          10 the article, I want to go back and ask you about          11 some of your testimony earlier in the day.          12 You mentioned at one point -- I believe          13 it was this morning -- that in May of 2009 you          14 recall that Mark Geraci and perhaps others had          15 meetings and discussions with DEA regarding          16 certain pharmacies in -- in that time period.          17 Is that right?          18 A That's correct.          19 Q And I believe plaintiff's counsel asked          20 you if Lams Pharmacy was one of those pharmacies.          21 A I believe that was asked, yes.          22 Q Okay. Can you tell us whether or not          23 the St. Paul Pharmacy and the Lake Medical Group          24 was also a part of that discussion with DEA in          25 May of 2009?</p>	<p style="text-align: right;">Page 372</p> <p>1 Q You mentioned earlier today to          2 plaintiff's counsel that you do not believe the          3 L.A. Times article necessarily quoted you          4 accurately in certain circumstances.          5 Do you recall that?          6 A I do.          7 Q Okay. I want to show you a couple of          8 statements in Exhibit 5, which, again, is the          9 L.A. Times article. If you go over -- and it          10 doesn't have a Bates number, but if you go over          11 to the page where, at the top, it has that map of          12 MacArthur Park.          13 A I'm sorry. I haven't found it yet.          14 Q Might be on the back of one of those          15 pages.          16 MR. GOLDMAN:          17 There it is.          18 A Oh, there it is. Okay.          19 MR. HOFFMAN:          20 Q I want to draw your attention to the          21 fourth paragraph. It says, "In an interview,          22 Crowley said that in the five years he spent          23 investigating suspicious pharmacies, Purdue never          24 shut off the flow of pills to any store."          25 Do you see that?</p>
<p style="text-align: right;">Page 371</p> <p>1 A I believe it was.          2 Q Okay. And what is your belief based          3 on?          4 A Conversations with Luis Bauza and Mark          5 Geraci himself.          6 Q Okay. And do you recall which DEA          7 agent was involved in those discussions?          8 A The two that I recall, one was Michael          9 Lewis, who was a diversion program manager in          10 Los Angeles, and the other -- I'm trying to think          11 of her name. She was assistant special agent in          12 charge, and I can't be a hundred percent certain,          13 but I think it was Lisa McElhaney, something, I          14 think.          15 Q Okay. And did you have follow-up          16 conversations with the folks at DEA after May of          17 2009, when Mr. Geraci and Lou Bauza spoke with          18 them?          19 A I did.          20 MS. CONROY:          21 Objection.          22 MR. HOFFMAN:          23 Q Regarding, among other things,          24 Lake Medical and St. Paul's Pharmacy?          25 A I did.</p>	<p style="text-align: right;">Page 373</p> <p>1 A I do.          2 Q And there's no quote there that's          3 attributed to you, but it says "Crowley said,"          4 and then it goes on to characterize some          5 statements.          6 Do you see that?          7 A I do.          8 Q Okay. Do you -- do you believe that          9 that's -- that accurately conveys what you said?          10 A No.          11 Q And why not?          12 A Because I don't believe I said that.          13 Q Okay. And just help us understand. I          14 guess if we -- if you can leave that exhibit out          15 and now if you go to Exhibit 13, which you should          16 also have in front of you.          17 A Yes.          18 Q Exhibit 13, for the record, is a May 4,          19 2011, email, and it goes through certain criteria          20 of OMS measures of effectiveness.          21 Do you recall that?          22 A I do.          23 Q I draw your attention to number 3. It          24 says, "Reduction or Cut-Off Supply. Wholesaler          25 reduces supply or stops supplying the outlet</p>

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1 based on due diligence review in coordination  
 2 with Purdue."  
 3 Do you see that?  
 4 A I do.  
 5 Q In fact, did that happen over the years  
 6 that you were involved in suspicious order  
 7 monitoring with Purdue?  
 8 A Yes.  
 9 Q And would that be in collaboration, as  
 10 it says here, with the -- the wholesaler? And  
 11 the wholesaler being the one that actually  
 12 reduces the supply or stops supplying the outlet.  
 13 A That's true. That's correct.  
 14 Q Okay. And is that one of the reasons  
 15 why this statement attributed to you may be  
 16 misleading, in your view?  
 17 MS. CONROY:  
 18 Objection.  
 19 A Yes.  
 20 MR. HOFFMAN:  
 21 Q Okay. Now, if we go to one other  
 22 page -- I guess it's -- it might be the last page  
 23 of the article. It's down near the bottom. The  
 24 top of the page has -- it looks like some kind of  
 25 chain or medallion at the top of it.

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1 A Okay.  
 2 Q What I want to ask you about is a  
 3 statement --  
 4 Maybe I can get it a little closer  
 5 here. And, again, it says, "In hindsight,"  
 6 Crowley said, "he questions whether Purdue should  
 7 have done more."  
 8 Do you see that?  
 9 MR. GOLDMAN:  
 10 Right here (indicating).  
 11 A Yes.  
 12 MR. HOFFMAN:  
 13 Q And, again, it says "Crowley said," but  
 14 there's no actual quotation that's attributed to  
 15 you. Is that right?  
 16 A That's right.  
 17 Q Do you believe this is a fair  
 18 conveyance of a quote that you actually provided  
 19 to the L.A. Times?  
 20 A No.  
 21 Q In your review of the L.A. Times  
 22 article, do you believe that it accurately  
 23 depicted the efforts of Purdue's order monitoring  
 24 system?  
 25 A No.

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1 Q Based on your experience while on the  
 2 order monitoring committee, what is your view of  
 3 Purdue's efforts to detect suspicious orders?  
 4 MS. CONROY:  
 5 Objection.  
 6 A I -- I think we were leading the  
 7 industry in terms of our efforts to monitor  
 8 suspicious orders and always continually --  
 9 continually trying to improve it. So I -- I -- I  
 10 thought we did the best we could at that time.  
 11 Yeah.  
 12 MR. HOFFMAN:  
 13 Q In all your years at Purdue working on  
 14 suspicious order monitoring, you mentioned  
 15 earlier having routine conversations with the  
 16 DEA?  
 17 A We did.  
 18 Q Okay. So in all your years at Purdue  
 19 working on suspicious order monitoring, did  
 20 anyone at FDA express to you any critique --  
 21 MR. GOLDMAN:  
 22 DEA.  
 23 MR. HOFFMAN:  
 24 Q Did I say it again?  
 25 A It's okay.

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1 Q Unbelievable. I'm sorry about that. I  
 2 talk about the FDA way too much. Thank you for  
 3 that.  
 4 Let me back up and try this one more  
 5 time.  
 6 In all your years at Purdue working on  
 7 suspicious order monitoring, did anyone at DEA  
 8 express to you any critique or complaint about  
 9 Purdue's suspicious order monitoring system?  
 10 MS. CONROY:  
 11 Objection.  
 12 A No. No.  
 13 MR. HOFFMAN:  
 14 Thank you. I believe those are all the  
 15 questions I have at this time.  
 16 VIDEOGRAPHER:  
 17 We are now going off the video record.  
 18 The time is currently 7:27 p.m.  
 19 (OFF THE RECORD.)  
 20 VIDEOGRAPHER:  
 21 We are now back on the video record.  
 22 The time is currently 7:29 p.m.  
 23 EXAMINATION  
 24 BY MS. CONROY:  
 25 Q Mr. Crowley, I'm gonna hand you what

<p style="text-align: right;">Page 378</p> <p>1 I've marked as Exhibit 33 and 34.          2 (CROWLEY EXHIBITS 33 and 34          3 WERE MARKED FOR IDENTIFICATION.)          4 MS. CONROY:          5 Q And there are some copies behind it.          6 It's the -- they are the two Rannazzisi letters.          7 Exhibit 33 is the September 27th, 2006, letter,          8 and it's Allergan_MDL_02467796 through 799, and          9 Exhibit 34 is the December 27th of 2007 letter,          10 and it's Card- -- it's          11 CAH_MDL_PRIORPROD_DEA07_00866877 and 78.          12 You have -- you have read these letters          13 in the past; is that correct, Mr. Crowley?          14 A If they're the same letters that were          15 addressed to Purdue, I have, yes.          16 Q Okay. And I -- I will -- I will          17 represent to you that we've been talking about          18 the Rannazzisi letters.          19 A Correct.          20 Q These are -- these are the two -- the          21 2006 letter and then the 2007 letter. Okay?          22 And I just want to draw your attention          23 first, on Exhibit 33, to the front page, where it          24 says, "The statutory scheme and legal duties of          25 distributors and DEA registrants."</p>	<p style="text-align: right;">Page 380</p> <p>1 manufacturers and distributors to inform DEA of          2 suspicious orders in accordance with 21 CFR          3 1301.74(b)."          4 Do you see that?          5 A I do.          6 Q And you don't know one way or the other          7 whether the DEA believed this letter to be an          8 expansion of the Controlled Substances Act. In          9 fact, they say it's a reiteration of the          10 requirements of the Controlled          11 Substances -- Substances Act; correct?          12 MR. HOFFMAN:          13 Object to the form.          14 A Well, that's what the first part says.          15 And then it begins, "In addition..."          16 MR. GOLDMAN:          17 Yeah, but listen -- please listen to          18 her question.          19 THE WITNESS:          20 I'm sorry.          21 MR. GOLDMAN:          22 Because I think the question is do          23 you know one way or the other whether the DEA          24 believed this to be an expansion of the          25 Controlled Substances Act. Do you know whether</p>
<p style="text-align: right;">Page 379</p> <p>1 Do you see that?          2 A I do.          3 Q And it says, "Although most          4 distributors are already well aware of the          5 following legal principles, they are reiterated          6 here as an additional background for this          7 discussion."          8 Do you see that?          9 A I do.          10 Q Is it fair to say that you don't know          11 whether or not the DEA believed there to be any          12 expansion of the Controlled Substances Act?          13 Correct?          14 MR. HOFFMAN:          15 Object to the form.          16 A In terms of this letter, I would agree          17 with that, in terms of that letter.          18 MS. CONROY:          19 Q Okay. Because you may --          20 Well, okay. Fine.          21 Let's take a look, then, at Exhibit 34,          22 which is the 2007 letter. And, in this letter,          23 is "The purpose" -- in the first paragraph, "The          24 purpose of this letter is to reiterate the          25 responsibilities of controlled substance</p>	<p style="text-align: right;">Page 381</p> <p>1 or not the DEA believed that?          2 MR. HOFFMAN:          3 Object to form.          4 A I don't know.          5 MS. CONROY:          6 Q And do you know any more today about          7 whether or not -- about what the DEA knew or          8 didn't know in December of 2007?          9 MS. SIDARTH:          10 Objection.          11 MR. HOFFMAN:          12 Object to form.          13 A I don't know.          14 MS. CONROY:          15 Q You can put that away.          16 You were asked some questions about          17 Exhibit 17, a meeting between Cardinal -- or some          18 con- -- some emails between Cardinal and          19 yourself. Do you recall that?          20 A Yes.          21 Q And you were asked a question about          22 joint anti-diversion efforts between Purdue and          23 an authorized distributor such as Cardinal. Do          24 you recall that?          25 A Asked that question by you?</p>



<p style="text-align: right;">Page 382</p> <p>1 Q No. It was Mr. Pyser, and he asked you  2 about joint anti-diversion efforts.  3 MR. PYSER:  4 Object to form.  5 A I -- I -- I recall generally, yes.  6 MS. CONROY:  7 Q Okay. Let me ask it this -- because  8 it's kind of -- of course you don't remember  9 specifically every word.  10 Would you agree with me that DEA is not  11 interested in whether there are joint efforts to  12 prevent diversion? The responsibility is  13 individual with respect to each registrant;  14 correct?  15 MR. PYSER:  16 Object to form.  17 MR. HOFFMAN:  18 Object to form.  19 A Are we talking about a certain time  20 frame?  21 MS. CONROY:  22 Q Well, let's talk about the time that  23 you were at Purdue. You understood that Purdue  24 had its own responsibility as a DEA registrant  25 with respect to the Controlled Substances --</p>	<p style="text-align: right;">Page 384</p> <p>1 Q And I understand that you worked -- it  2 was your goal to work jointly with the authorized  3 distributors to make sure that you were not -- to  4 make sure you could try to end diversion and  5 oversupply or whatever. But the responsibility  6 under the Controlled Substances Act was  7 individual. Correct?  8 MR. HOFFMAN:  9 Object to the preamble. Move to  10 strike.  11 A The requirement is suspicious orders.  12 So that indicates individual manufacturer,  13 individual distributor, yeah.  14 MS. CONROY:  15 Q Okay. Would you agree with me that a  16 referral to the DEA is not routine? And I'm  17 using "referral" in the sense of referrals that  18 were identified as such in the order monitoring  19 system database.  20 A Would I agree that reporting was not  21 routine?  22 Q Referral.  23 A Referrals.  24 Q The category "Referral."  25 A Right.</p>
<p style="text-align: right;">Page 383</p> <p>1 Substances Act in any requirements?  2 A That's correct.  3 Q So it wasn't -- you didn't have a -- a  4 joint responsibility with your authorized  5 wholesalers. You had your own responsibility.  6 Correct?  7 A Correct.  8 Q And every authorized distributor of  9 Purdue had its own responsibilities.  10 MR. PYSER:  11 Object to form.  12 A To my knowledge, yes.  13 MS. CONROY:  14 Q So an authorized distributor couldn't  15 say, "Hey, we didn't report that because we  16 thought Purdue was gonna do it." You each had a  17 responsibility; correct?  18 MR. HOFFMAN:  19 Objection. And argumentative.  20 A I and others made every effort that  21 that would not happen. It could have happened,  22 but...  23 MS. CONROY:  24 Q Right.  25 A Right.</p>	<p style="text-align: right;">Page 385</p> <p>1 In the system that says "Complete,  2 Referred"?  3 Q Exactly.  4 A Was not routine?  5 Q Correct.  6 A I would agree with that.  7 Q What you were talking about with  8 Mr. Hoffman was conversations with the DEA may  9 have been routine for you.  10 A Yes.  11 Q Oh, here it is. If you take a look at  12 Exhibit 32 that was just marked, and you see in  13 this list of --  14 There's -- there are two things  15 attached to this Exhibit 32 email to Barbara  16 Boockholdt. One is a list of slow pharmacies  17 with new criteria, an Excel spreadsheet.  18 Correct?  19 A I think it's an Excel spreadsheet,  20 yeah.  21 Q Okay. And, on that spreadsheet, I  22 noticed, as number 86, you have the V Pacifica  23 Pharmacy in Huntington Beach, the B &amp; B Pharmacy,  24 Gamble Pharmacy. On -- as number 21 you have  25 St. Paul's Pharmacy.</p>

<p style="text-align: right;">Page 386</p> <p>1 Do you see that?</p> <p>2 A I -- I see some of them that you've</p> <p>3 mentioned. I heard you. I see some of them,</p> <p>4 yeah.</p> <p>5 Q Okay. Number 21 --</p> <p>6 A I see it.</p> <p>7 Q -- St. Paul's?</p> <p>8 A Yep.</p> <p>9 Q Number 80, B &amp; B.</p> <p>10 A I see it.</p> <p>11 Q Number 86, V Pacifica. Do you see</p> <p>12 that?</p> <p>13 A I see it.</p> <p>14 Q And we -- and we talked about an order</p> <p>15 monitoring report that was done for V Pacifica;</p> <p>16 correct?</p> <p>17 A We did.</p> <p>18 Q And that was Exhibit 8, which I think</p> <p>19 you had out, or maybe it's back in the stack, if</p> <p>20 you could pull that out.</p> <p>21 St. Paul's -- I'm sorry -- V Pacifica</p> <p>22 was a pharmacy that had been -- that had been</p> <p>23 suspicious for quite some time. Correct?</p> <p>24 MR. HOFFMAN:</p> <p>25 Object to form.</p>	<p style="text-align: right;">Page 388</p> <p>1 face-to-face visit with the DEA; correct? That's</p> <p>2 what -- that's what Exhibit 32 is, this list?</p> <p>3 A Thirty-two, yeah. Once I was reminded</p> <p>4 of this, that's -- that's what I said, yes.</p> <p>5 Q And it's your -- and you testified that</p> <p>6 285 pharmacies were referred to the DEA?</p> <p>7 A Yes, based on this correspondence here.</p> <p>8 Q Did you go and check and determine</p> <p>9 whether or not they were referred, as the term is</p> <p>10 used in the order monitoring system's database?</p> <p>11 A I did not.</p> <p>12 Q You don't know one way or the other</p> <p>13 whether they are classified as referred as far as</p> <p>14 Purdue's database is concerned; correct?</p> <p>15 A As we sit here today, that's correct.</p> <p>16 I don't remember.</p> <p>17 Q And if you take a look at Exhibit 8,</p> <p>18 the recommendation on page 3 of 8, you actually</p> <p>19 see -- do you see that it's also number 665 at</p> <p>20 the bottom?</p> <p>21 A Yes.</p> <p>22 Q Okay. Do you see where it says, "Since</p> <p>23 the wholesaler took appropriate action in</p> <p>24 consultation with Purdue to ensure greater due</p> <p>25 diligence on the part of the pharmacy, order</p>
<p style="text-align: right;">Page 387</p> <p>1 MS. CONROY:</p> <p>2 Q The report is dated October 28th of</p> <p>3 2010, but this -- the workup done on this</p> <p>4 pharmacy was certainly done over a period of</p> <p>5 time; correct? You see, for example, the field</p> <p>6 sales force input was back in April and June of</p> <p>7 2010?</p> <p>8 MR. HOFFMAN:</p> <p>9 I'm sorry. Objection. There are now</p> <p>10 three questions pending. Which question do you</p> <p>11 want him to answer?</p> <p>12 MS. CONROY:</p> <p>13 Q The investigation of Pacifica Pharmacy</p> <p>14 didn't occur at the end of October of 2010;</p> <p>15 correct?</p> <p>16 A That's correct.</p> <p>17 Q It went over several months, if not</p> <p>18 years; correct?</p> <p>19 MR. HOFFMAN:</p> <p>20 Object to the form. Foundation.</p> <p>21 A Several months. I don't know if I'd</p> <p>22 agree with "years."</p> <p>23 MS. CONROY:</p> <p>24 Q Okay. And your testimony was it was</p> <p>25 referred to the DEA on October 7th of 2011, in a</p>	<p style="text-align: right;">Page 389</p> <p>1 volume decreased by more than 50 percent in</p> <p>2 February, has maintained at that level, and</p> <p>3 neither Steve nor Luis or the wholesaler have any</p> <p>4 concerns about this account, it's recommended</p> <p>5 that this account be designated complete, closed,</p> <p>6 with the stipulation that the order monitoring</p> <p>7 system team will reopen its review upon receipt</p> <p>8 of new information"?</p> <p>9 Do you see that?</p> <p>10 A I do.</p> <p>11 Q Does that -- do you know one way or the</p> <p>12 other whether it was designated "complete,</p> <p>13 closed" on the system?</p> <p>14 A I don't, but I would agree that it</p> <p>15 probably was.</p> <p>16 Q And the DEA was not alerted to this</p> <p>17 Pacifica Pharmacy until its sales of OxyContin</p> <p>18 decreased.</p> <p>19 MR. HOFFMAN:</p> <p>20 Object to form. Alerted by Purdue or</p> <p>21 somebody else?</p> <p>22 A I'm sorry.</p> <p>23 MS. CONROY:</p> <p>24 Q Okay. Let's take a look again at</p> <p>25 Exhibit 32 --</p>

<p style="text-align: right;">Page 390</p> <p>1 A Right.</p> <p>2 Q -- where you go and visit with the</p> <p>3 DEA --</p> <p>4 A Right.</p> <p>5 Q -- and you alert them to --</p> <p>6 A Right.</p> <p>7 Q -- in a list of two hundred and -- 285</p> <p>8 pharmacies.</p> <p>9 A Right. I have it.</p> <p>10 Q Pacifica Pharmacy was -- that name was</p> <p>11 provided to the DEA on October --</p> <p>12 Well, the email was sent October 7.</p> <p>13 I'm not sure what time -- the meeting was a</p> <p>14 couple of days earlier. That -- that pharmacy</p> <p>15 was listed because it sold less OxyContin;</p> <p>16 correct?</p> <p>17 A That's correct.</p> <p>18 Q And I would like you to look at the</p> <p>19 front of Exhibit 32. One of the attachments is</p> <p>20 the list of slow pharmacies with new criteria.</p> <p>21 Do you see that?</p> <p>22 MR. GOLDMAN:</p> <p>23 Thirty-two.</p> <p>24 THE WITNESS:</p> <p>25 Oh, I'm sorry.</p>	<p style="text-align: right;">Page 392</p> <p>1 reformulated OxyContin had been touted to the</p> <p>2 DEA --</p> <p>3 Do you recall that exchange?</p> <p>4 A I do. Yeah.</p> <p>5 Q And wouldn't you agree with me, if a</p> <p>6 study poster was being provided to the DEA about</p> <p>7 the benefits of the reformulated OxyContin, that</p> <p>8 was very far afield with the reporting of</p> <p>9 suspicious pharmacies?</p> <p>10 MR. HOFFMAN:</p> <p>11 Object to form.</p> <p>12 A That was in addition to.</p> <p>13 MS. CONROY:</p> <p>14 Q Correct.</p> <p>15 A Right.</p> <p>16 Q But it had nothing to do with</p> <p>17 suspicious pharmacies; right?</p> <p>18 MR. HOFFMAN:</p> <p>19 Object to form.</p> <p>20 A Generally speaking, that's correct.</p> <p>21 MS. CONROY:</p> <p>22 Q It's -- it's -- it's a piece about one</p> <p>23 of Purdue's products; correct?</p> <p>24 MR. HOFFMAN:</p> <p>25 Object to the form.</p>
<p style="text-align: right;">Page 391</p> <p>1 MS. CONROY:</p> <p>2 Q Thirty-two.</p> <p>3 A I -- I -- I see the name of the listed</p> <p>4 attachment, yeah.</p> <p>5 Q And that -- and then there's a second</p> <p>6 attachment, PAINWeek ASI-MV OxyContin ORF Poster,</p> <p>7 August 31st, 2011, FINAL.PPTX.</p> <p>8 Do you see that?</p> <p>9 A I see it.</p> <p>10 Q Do you know what that is?</p> <p>11 A No. At this time, I don't recall it.</p> <p>12 Q Does it refresh your memory if I tell</p> <p>13 you that that was the study that was conducted</p> <p>14 that showed the less abuse criteria -- less abuse</p> <p>15 of the reformulated OxyContin?</p> <p>16 MR. HOFFMAN:</p> <p>17 Object to the form.</p> <p>18 A It -- it doesn't, unfortunately,</p> <p>19 refresh my memory.</p> <p>20 MS. CONROY:</p> <p>21 Q In --</p> <p>22 A So -- right.</p> <p>23 Q In response to one of Mr. Hoffman's</p> <p>24 questions about a question I had asked you</p> <p>25 earlier about whether the benefits of the</p>	<p style="text-align: right;">Page 393</p> <p>1 Q The risks and benefits of one of its</p> <p>2 products.</p> <p>3 MR. HOFFMAN:</p> <p>4 Object to the form.</p> <p>5 MR. GOLDMAN:</p> <p>6 Object to the form. Lacks foundation.</p> <p>7 A I'm not trying to be difficult. I do</p> <p>8 not -- I don't remember what it was.</p> <p>9 MS. CONROY:</p> <p>10 Q Okay.</p> <p>11 A Yeah.</p> <p>12 Q With respect to Exhibit 5, which is the</p> <p>13 LA Times article, you had issue with -- on the --</p> <p>14 You may not need to see this.</p> <p>15 A Okay.</p> <p>16 Q You're lucky -- you're fine looking at</p> <p>17 it if you want.</p> <p>18 The page with MacArthur Park where you</p> <p>19 say -- where it's the -- what the article says,</p> <p>20 "In an interview, Crowley said that in the five</p> <p>21 years he spent investigating suspicious</p> <p>22 pharmacies, Purdue never shut off the flow of</p> <p>23 pills to any store."</p> <p>24 Do you remember that? And you said</p> <p>25 that was not accurate. You --</p>

<p style="text-align: right;">Page 394</p> <p>1 A I do remember saying that, yeah.</p> <p>2 Q Okay. Is it accurate that Purdue did</p> <p>3 not shut off the flow of pills to any of the</p> <p>4 stores that were identified, any of the</p> <p>5 pharmacies that were identified in this LA</p> <p>6 article, LA Times articles?</p> <p>7 A I'd have to look at the names again.</p> <p>8 I --</p> <p>9 Q Okay.</p> <p>10 A Sorry. Yeah.</p> <p>11 Q And if I wanted to take a look and see</p> <p>12 if Purdue had ever shut off any of the</p> <p>13 pharmacies, reported them to the DEA and shut off</p> <p>14 the supply of Purdue product to the pharmacies</p> <p>15 listed in the LA Times article, I would need to</p> <p>16 go to the database, the order monitoring system</p> <p>17 database, and determine whether or not there were</p> <p>18 referrals to the DEA?</p> <p>19 MR. HOFFMAN:</p> <p>20 Object to form.</p> <p>21 A That's one place, yes.</p> <p>22 MS. CONROY:</p> <p>23 Q Okay. Or look at the notes.</p> <p>24 A Right.</p> <p>25 Q Or ask you what you remember.</p>	<p style="text-align: right;">Page 396</p> <p>1 Q Okay.</p> <p>2 A Yeah.</p> <p>3 Q Do you know if H.D. Smith referred any</p> <p>4 of the pharmacies listed in the LA Times article</p> <p>5 to the DEA?</p> <p>6 A Off the top of my head, I would say</p> <p>7 St. Paul's Pharmacy simultaneously with -- they</p> <p>8 shut them off as a customer, if I could use that</p> <p>9 term. They discontinued business with St. Paul's</p> <p>10 Pharmacy. I believe they reported that to DEA.</p> <p>11 Q And was that around the time of the</p> <p>12 article?</p> <p>13 MR. GOLDMAN:</p> <p>14 Object to the form.</p> <p>15 A No. That was -- that was in 2009. I</p> <p>16 think the article came out in -- what? -- 2016?</p> <p>17 MS. CONROY:</p> <p>18 Q Okay. So who -- who was supplying</p> <p>19 St. Paul's Pharmacy after -- after H.D. Smith in</p> <p>20 2009?</p> <p>21 MR. HOFFMAN:</p> <p>22 Object to form. Foundation.</p> <p>23 A I -- I -- I don't remember. I'm sorry.</p> <p>24 MS. CONROY:</p> <p>25 Q It would have been one of Purdue's</p>
<p style="text-align: right;">Page 395</p> <p>1 A That'd be another way of doing it, yep.</p> <p>2 Q Or ask other members of the order</p> <p>3 monitoring committee if they recalled whether or</p> <p>4 not any of the LA Times-mentioned pharmacies were</p> <p>5 shut off from Purdue products?</p> <p>6 A That's correct.</p> <p>7 Q Anybody else I could talk to that would</p> <p>8 know?</p> <p>9 A Again, we're using the terminology</p> <p>10 "shut off."</p> <p>11 Q Or not -- not sold to?</p> <p>12 A Exclusively by Purdue?</p> <p>13 Q Well, that'd be one way, if Purdue had</p> <p>14 done it. But there's no reason to believe that</p> <p>15 they did it, because you told me about every</p> <p>16 instance when Purdue shut off supply; correct?</p> <p>17 MR. GOLDMAN:</p> <p>18 Objection.</p> <p>19 MR. HOFFMAN:</p> <p>20 Object to the form. Foundation.</p> <p>21 Misstatement.</p> <p>22 A I don't know if I told you about every</p> <p>23 incident that --</p> <p>24 I tried to. So...</p> <p>25 MS. CONROY:</p>	<p style="text-align: right;">Page 397</p> <p>1 authorized distributors; correct?</p> <p>2 A Yes.</p> <p>3 Q Do you know --</p> <p>4 A I believe so, yes.</p> <p>5 Q And do you know if, whoever that may</p> <p>6 have been, do you know if that authorized</p> <p>7 distributor stopped the supply of Purdue products</p> <p>8 to St. Paul's Pharmacy?</p> <p>9 MR. HOFFMAN:</p> <p>10 Object to form. Foundation.</p> <p>11 A I -- I -- I don't. But I will say</p> <p>12 eventually St. Paul's shut itself off. The owner</p> <p>13 fled the country, I think. I think. So it -- it</p> <p>14 discontinued pharmacy business on its own --</p> <p>15 MS. CONROY:</p> <p>16 Q But --</p> <p>17 A -- is my recollection.</p> <p>18 Q But that was -- that was some number of</p> <p>19 years after H.D. Smith stopped supplying in 2009;</p> <p>20 correct?</p> <p>21 A I --</p> <p>22 MR. HOFFMAN:</p> <p>23 Object to form. Foundation.</p> <p>24 A I -- I don't think so. I think it was</p> <p>25 around the same time. I mean, you know, within</p>

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1 several months.  
 2 MS. CONROY:  
 3 Q What about Pacifica Pharmacy?  
 4 MR. HOFFMAN:  
 5 Objection.  
 6 MR. GOLDMAN:  
 7 Objection.  
 8 MS. CONROY:  
 9 Q Do you know if that was -- do you know  
 10 if any supply was ever stopped to that pharmacy?  
 11 MR. HOFFMAN:  
 12 Object to form. I think it's also  
 13 beyond the scope of the track 1 cases.  
 14 A I don't. I read something in the  
 15 exhibit.  
 16 MS. CONROY:  
 17 Q The exhibit about the slow pharmacies?  
 18 A No. The one you just asked me about,  
 19 V Pacifica. Isn't that --  
 20 Q Oh, right. The -- the order -- the  
 21 report about that?  
 22 A I think so, yeah.  
 23 Q Let me ask it this way. As you sit --  
 24 There are a number of pharmacies that  
 25 were involved in the L.A. Times article; correct?

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1 Not just St. Paul's?  
 2 A That's correct.  
 3 Q Okay. And do you know one way or the  
 4 other when or who of the authorized distributors  
 5 of Purdue products stopped supplying those  
 6 pharmacies, if ever?  
 7 MR. HOFFMAN:  
 8 Object to form. Foundation.  
 9 A At this point, I don't -- do not.  
 10 MS. CONROY:  
 11 That's all I have. Thank you,  
 12 Mr. Crowley.  
 13 THE WITNESS:  
 14 Thank you.  
 15 VIDEOGRAPHER:  
 16 We are now going off the video record.  
 17 Are there any follow-ups?  
 18 MR. HOFFMAN:  
 19 No. I don't have any.  
 20 VIDEOGRAPHER:  
 21 The time is currently 7:57 p.m. This  
 22 is the end of media number 6 and the end of the  
 23 deposition.  
 24 (Deposition concluded at 7:57 p.m.)  
 25

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C E R T I F I C A T E

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 2  
 3 I do hereby certify that the above and  
 4 foregoing transcript of proceedings in the matter  
 5 aforementioned was taken down by me in machine  
 6 shorthand, and the questions and answers thereto  
 7 were reduced to writing under my personal  
 8 supervision, and that the foregoing represents a  
 9 true and correct transcript of the proceedings  
 10 given by said witness upon said hearing.  
 11 I further certify that I am neither of  
 12 counsel nor of kin to the parties to the action,  
 13 nor am I in anywise interested in the result of  
 14 said cause.  
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 18  
 19 LOIS ANNE ROBINSON, RPR, RMR  
 20 REGISTERED DIPLOMATE REPORTER  
 21 CERTIFIED REALTIME REPORTER  
 22  
 23  
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E R R A T A P A G E

1  
 2  
 3 I, JACK CROWLEY, the witness herein, have  
 4 read the transcript of my testimony, and the same  
 5 is true and correct, to the best of my knowledge,  
 6 with the exceptions of the following changes noted  
 7 below, if any:  
 8 Page/Line Word(s) to be changed/reason Correct Word  
 9 \_\_\_\_\_  
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 22 \_\_\_\_\_  
 23 JACK CROWLEY  
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DECLARATION OF WITNESS

I, the undersigned, declare under penalty  
of perjury that I have read the foregoing  
transcript, and I have made any corrections,  
additions, or deletions that I was desirous of  
making; that the foregoing is a true and correct  
transcript of my testimony contained herein.  
EXECUTED this \_\_\_\_\_ day of \_\_\_\_\_,  
2019, at \_\_\_\_\_, \_\_\_\_\_.  
(City) (State)

\_\_\_\_\_  
JACK CROWLEY